

THE JOURNAL
OF THE
FREE TRADE CONVENTION,

HELD IN PHILADELPHIA,
FROM SEPTEMBER 30 TO OCTOBER 7, 1831 ;

AND THEIR

Address to the People of the United States :

TO WHICH IS ADDED

A SKETCH OF THE DEBATES

IN THE CONVENTION.

PHILADELPHIA :

PRINTED BY T. W. USTICK, NO. 3, FRANKLIN PLACE.

.....
1831.

THE JOURNAL

OF THE

FREE TRADE CONVENTION,

HELD IN PHILADELPHIA,

FROM SEPTEMBER 30 TO OCTOBER 7, 1831 ;

AND THEIR

Address to the People of the United States :

TO WHICH IS ADDED

A SKETCH OF THE DEBATES

IN THE CONVENTION.

PHILADELPHIA :

PRINTED BY T. W. USTICK, NO. 3, FRANKLIN PLACE.

.....
1831.

Digitized by the Internet Archive
in 2017 with funding from

This project is made possible by a grant from the Institute of Museum and Library Services as administered by the Pennsylvania Department of Education through the Office of Commonwealth Libraries

THE JOURNAL
OF THE
FREE TRADE CONVENTION.

FIRST DAY.

On Friday, the thirtieth day of September, A. D. 1831, a Convention of Delegates was held at the Musical Fund Hall, in the City of Philadelphia, in virtue of appointments made by public meetings in various States of the Union, held in pursuance of the following notice, first published in Philadelphia, on the 22d day of June last, viz :

“ *Resolved*, That a Convention, for the purpose of securing the efficient co-operation of the friends of Free Trade, throughout the United States, in procuring the repeal of the Restrictive System, be held at the Mansion House Hotel, in the City of Philadelphia, at 10 o'clock, on the morning of Friday, the 30th day of September next; and that there be invited to attend the same, such citizens, from all the States of the Union, *without distinction of party*, who are favorable to the object of the meeting, as may find it convenient to attend.”

At 12 o'clock, the meeting was called to order by JOSEPH R. EVANS, Esq. Chairman of the Philadelphia Delegation, who nominated the Hon. BURWELL BASSETT, of Virginia, as Chairman to organize the Convention; which nomination was unanimously approved.

Mr. BASSETT, having been conducted to the Chair, it was, on motion of Mr. PRESTON, of South Carolina,

Resolved, That the Chairman appoint a Secretary, to facilitate the transaction of business.

Whereupon, CONDY RAGUET, of Pennsylvania, was appointed by the Chairman.

The Secretary then read a list of the names of the Delegates to this Convention, as far as the same had been published in two of the Philadelphia papers, after which, various additions thereto were furnished by the Delegates present.

The names of the Delegates present were as follows, amounting to one hundred and fifty-one.

MAINE :

Joshua Carpenter,
S. H. Mudge,

Charles Q. Clapp.

MASSACHUSETTS :

Henry Lee,
T. S. Pomeroy,
Samuel Swett,
Gideon Tucker,
Horatio Byington,
Theodore Sedgwick,
John L. Gardner,

George Peabody,
Pickering Dodge,
Joseph Ropes,
Isaac Newhall,
J. W. Rogers,
Henry Williams.

NEW YORK :

Preserved Fish,
Edwin Bergh,
Jonathan Goodhue,
John A. Stevens,
John Constable,
George Griswold,

John Leonard,
Samuel P. Brown,
Thomas R. Mercein,
Isaac Carow,
James Boorman,
Benjamin L. Swan.

NEW JERSEY :

C. L. Hardenbergh,
John Bayard Kirkpatrick,

J. C. Van Dyck,
Miles C. Smith.

PENNSYLVANIA :

Joseph R. Evans,
Clement C. Biddle,
John M. Barclay,
Samuel F. Smith,
Richard Price,
John A. Brown,
Condy Raguet,
Thomas P. Cope,

George Emlen,
Edward D. Ingraham,
E. Littell,
Isaac W. Norris,
Henry R. Watson,
P. H. Nicklin,
Samuel Spackman,
William McIlhenny.

MARYLAND :

William W. Handy,

Arnold D. Jones.

VIRGINIA :

Philip P. Barbour,
Richard Booker,
Samuel L. Venable,
Walker Hawes,
Thomas Miller,
George C. Dromgoole,
Richard Jones,
Robert Hurt,
Malcolm Macfarland,
Burwell Bassett,

Henry E. Watkins,
James M. Garnett,
Thomas R. Dew,
John Brockenbrough,
William G. Overton,
Randolph Harrison,
Charles Yancey,
Ferdinand W. Risque,
Thomas W. Gilmer,
H. R. Anderson,

Josiah Ellis,
 Alexander Gordon Knox,
 James S. Brander,
 Benjamin F. Dabney,
 S. A. Storrow,
 Charles Cocke,
 Henry H. Watts,
 John Dickinson,
 C. D. McIndoe,
 John H. Bernard,

Charles Everett,
 George M. Payne,
 William Maxwell,
 R. O. Grayson,
 John W. Jones,
 William O. Goode,
 William Townes,
 William B. Rogers,
 William P. Taylor,
 Philip A. Dew.

NORTH CAROLINA :

Joseph B. Skinner,
 Louis D. Wilson,
 William R. Holt,
 William W. Jones,
 William A. Blount,
 Samuel T. Sawyer,
 Thomas S. Hoskins,

Charles Fisher,
 James Iredell,
 Joseph B. G. Roulhac,
 Edward B. Dudley,
 Joseph D. White,
 David Outlaw,
 Robert C. G. Hilliard.

SOUTH CAROLINA :

Zachariah P. Herndon,
 F. W. Davie,
 Thomas Pinckney,
 William Butler,
 Henry N. Cruger,
 Henry C. Young,
 H. A. Middleton,
 W. Wilkinson,
 Stephen D. Miller,
 John Fraser,
 Job Johnston,
 John Carter,
 Joseph E. Jenkins,
 J. H. Glover,
 Edward Richardson,
 William C. Preston,

James G. Spann,
 James Cuthbert,
 T. D. Singleton,
 Joseph W. Allston,
 C. Macbeth,
 A. P. Butler,
 T. R. Mitchell,
 Philip Tidyman,
 William Pope,
 James Lynah,
 John D. Edwards,
 Langdon Cheves,
 Hugh Wilson,
 T. Pinckney Alston,
 William Harper,
 Henry Middleton.

GEORGIA :

Eli S. Shorter,
 Alexander Telfair,
 Seaborn Jones,

Robert Habersham,
 John Cumming,
 John Macpherson Berrien.

ALABAMA :

John A. Elmore,
 Enoch Parsons,
 John W. Moore,

Benajah S. Bibb,
 Alfred V. Scott,
 Howell Rose.

MISSISSIPPI :

George Poindexter.

TENNESSEE :

William E. Butler,

Alexander Patton.

The following resolution was then offered by Mr. SEDGWICK, of Massachusetts.

Resolved, That a Committee of two persons from each State represented in this Convention, be named by the Delegation of the respective States, who shall retire and nominate a President and other officers of this body : that the Convention shall thereupon proceed, upon receiving such nomination, to choose the same, by ballot.

A motion was then made by Mr. TIDYMAN, of South Carolina, to amend the same by striking out all that follows the word "Resolved," and by inserting these words :

" That the Convention do now proceed to elect, by ballot, a President and other officers."

A division of the question having been called for by Mr. POINDEXTER, of Mississippi, the question was put by the Chairman, when there appeared to be in favor of striking out, sixty, and against it, sixty-seven ; so the motion was not carried.

The original resolution of Mr. SEDGWICK being then before the Convention, a motion was made by Mr. BIDDLE, of Pennsylvania, to reconsider the vote last taken, when it was resolved to re-consider.

Mr. MILLER, of South Carolina, then moved to amend the original resolution, so as to make it read thus—

"Resolved, That a Committee of one person from each State represented in this Convention, be named by the Chairman, who shall retire and nominate a President and other officers of this body: that the Convention shall thereupon proceed, upon receiving such nomination, to choose said officers, by ballot."

Mr. SEDGWICK agreed to modify his resolution so as to meet the views of Mr. MILLER.

Mr. CHEVES, of South Carolina, suggested a motion which he would offer, in case Mr. SEDGWICK would withdraw his resolution ; which Mr. SEDGWICK having consented to, Mr. CHEVES offered the following resolution :

Resolved, That this Convention will proceed to the election of a President, to-morrow, at 12 o'clock.

The proposition having been stated from the Chair, Mr. TIDYMAN moved to amend it, so as to make it read thus—

Resolved, That this Convention will now proceed to the election of a President.

On motion of Mr. A. P. BUTLER, of South Carolina, it was

Resolved, That this Convention do now adjourn, until 10 o'clock to-morrow morning.

SECOND DAY.

SATURDAY, OCTOBER 1, 1831.

At 10 o'clock, A. M. the Chairman called the Meeting to order, when the Secretary read the minutes of the preceding day.

The following Delegates appeared, and took their seats in the Convention:

<i>From Massachusetts...</i>	Edward Cruft,	William Goddard.
<i>Rhode Island...</i>	William Hunter.	
<i>New York</i>	John Augustine Smith,	Moses H. Grinnell,
	George T. Trimble,	Zebedee Ring,
	Albert Gallatin,	John S. Crary.
	Jacob Lorillard,	
<i>New Jersey . . .</i>	Henry Clow,	John Potter,
	John C. Scheuck,	Henry Vethake,
<i>Virginia</i>	Linn Banks,	William H. Roane,
	James Lyons,	John Tabb.
	James Jones,	
<i>N. Carolina . . .</i>	John E. Wood.	
<i>S. Carolina . . .</i>	Daniel E. Huger,	Hugh S. Legare.
<i>Alabama</i>	P. Waters,	Henry Goldthwaite,
	Ward Taylor,	Archibald P. Baldwin.

The Chairman announced that the business pending when the meeting last adjourned, was an amendment proposed by Mr. TIDYMAN, of South Carolina, to a resolution offered by Mr. CHEVES, which amendment was in the following words:

"That this Convention will now proceed to the election of a President."

Mr. CHEVES, agreed to modify his resolution in conformity with the amendment; and the question having been put by the Chairman, it was unanimously agreed to.

Mr. GALLATIN, of New York, rose and addressed the Chair upon the subject before the Convention, and concluded by nominating the Hon. PHILIP P. BARBOUR, of Virginia, as President of this Convention.

The motion having been seconded, and no other candidate having been nominated, the question was put by the Chair, and Mr. BARBOUR was unanimously elected.

The PRESIDENT having been conducted to his seat, delivered a short address to the Convention.

Mr. SHORTER, of Georgia, then moved that Mr. CONDY RAGUET be requested to act as Secretary of this Convention.

Mr. BASSETT, of Virginia, moved to add to the resolution these words—"And that he be authorized to employ assistants;" which amendment was accepted by Mr. SHORTER, as a modification of his resolution; and the question having been put by the President, Mr. RAGUET was unanimously elected.

Mr. TIDYMAN, of South Carolina, offered the following resolution :

Resolved, That the Members of this Convention are highly sensible of the polite attention and liberality of the gentlemen who compose the Philadelphia Delegation, and do present their grateful acknowledgments to them, for having provided a spacious hall for the accommodation of the said Convention.

Which resolution was unanimously adopted.

Mr. BASSETT, of Virginia, offered the following resolution :

Resolved, That the rules of the late House of Representatives of the United States, be adopted as the rules for the government of this Convention.

Which resolution was unanimously agreed to.

On motion of Mr. DROMGOOLE, of Virginia,

Resolved, That the editors of newspapers be authorized, with their stenographers, to occupy seats within the bar of the Convention, for the facility of taking notes of its proceedings.

Mr. MITCHELL, of South Carolina, offered the following resolutions, having first premised that they were the same as those adopted at a public meeting of the citizens of Boston, in the year 1820:

Resolved, That no objection ought ever to be made to any amount of taxes equally apportioned and imposed for the purpose of raising revenue for the support of Government ; but that taxes imposed on the people for the sole benefit of any one class of men, are equally inconsistent with the principles of our Constitution, and with sound policy.

2. That the high bounties on such domestic manufactures as are benefitted by the Tariff, favor great capitalists, rather than personal industry, or the owners of small capitals ; and that, therefore, we do not perceive its tendency to promote national industry.

3. That we are equally incapable of discovering its beneficial effects on agriculture, since the obvious consequence of its adoption would be, that the farmer must give more than he now does for all he buys, and receive less for all he sells.

4. That the imposition of duties which are enormous, and declared, by a large portion of the people, to be unequal and unjust, is dangerous, as it encourages the practice of smuggling.

5. That, in the opinion of this meeting, the duties of the Tariff should be reduced to the standard of revenue for the support of Government.

On motion of Mr. A. P. BUTLER, of South Carolina,

Resolved, That the said resolutions lie on the table.

Mr. GALLATIN, offered the following resolution :

Resolved, That a Committee, to consist of two persons from each State represented in this Convention, be appointed by the respective Delegations, whose duty it shall be to report generally on the objects to which the attention of the Convention ought to be directed, and the best mode of accomplishing the same.

Mr. JONES, of Georgia, moved to amend the same, by inserting between the words "Convention" and "be," these words—"and where there is but one Delegate, of one person, as far as relates to that State"—which amendment Mr. GALLATIN accepted as a modification of his

resolution ; and the question having been put, the resolution was unanimously adopted.

Mr. CHEVES, of South Carolina, after some remarks, intimating that the resolution recently passed, adopting the rules of the House of Representatives as the rules of this body, might embarrass the proceedings of the Convention, moved that the said resolution be repealed.

Mr. CHEVES, subsequently, in consequence of some remarks from Mr. GALLATIN, withdrew his motion, which was renewed by Mr. GOLDTHWAITE, of Alabama; and the question having been taken upon it, it was

Resolved, That the said resolution be repealed.

The following resolution was then offered by Mr. GOLDTHWAITE :

Resolved, That so much of the rules of the House of Representatives as relates to the introduction of resolutions and mode of debate, be adopted as the rules of this Convention.

The question on this resolution having been taken, was decided in the negative.

Mr. SWETT, of Boston, offered the following resolution :

Resolved, That there be a recess of this Convention for the space of one hour, in order to afford an opportunity for the appointment of the members of the General Committee, by the respective Delegations.

Which resolution was unanimously agreed to.

After the lapse of an hour, the Convention was called to order; when the following appointments for the General Committee, were announced by the respective Delegations :

MAINE :

Joshua Carpenter, Charles Q. Clapp.

MASSACHUSETTS :

Theodore Sedgwick, Henry Lee.

RHODE ISLAND :

William Hunter.

NEW YORK :

Albert Gallatin, John Augustine Smith.

NEW JERSEY :

Cornelius L. Hardenburgh, Henry Vethake.

PENNSYLVANIA :

Thomas P. Cope, Clement C. Biddle.

MARYLAND :

William W. Handy, A. E. Jones.

VIRGINIA :

James M. Garnett, John W. Jones.

NORTH CAROLINA :

James Iredell, William A. Blount.

SOUTH CAROLINA :

William Harper, Daniel E. Huger.

GEORGIA :

John Macpherson Berrien, Eli S. Shorter.

ALABAMA :

Enoch Parsons, Henry Goldthwaite.

MISSISSIPPI :

George Poindexter.

TENNESSEE :

William E. Butler, Alexander Patton.

Mr. BERRIEN, of Georgia, offered the following resolution :

Resolved, That the President be authorised to invite to a seat within the bar of this Convention, any persons friendly to the objects of this meeting, and desirous of attending the proceedings of the same, who are capable of giving information connected with the facts which are necessary to a correct estimate of the operation and effect of the existing Tariff in different parts of the Union.

Which resolution was unanimously adopted.

Mr. CARPENTER, of Maine, offered the following resolution :

Resolved, That, when this Convention adjourn, it be to meet again at 12 o'clock on Monday next.

Which resolution was agreed to ; and then, on motion,
The Convention adjourned.

THIRD DAY.

MONDAY, OCTOBER 3d, 1831.

At 12 o'clock the President took the Chair, when the minutes of the preceding session were read.

The following Delegates appeared and took their seats, viz :

<i>From Massachusetts</i> .	Ebenezer Breed,	Thomas P. Bancroft,
	William Foster.	
<i>Connecticut</i> . . .	William J. Forbes,	James Donaghe.
<i>New York</i>	James G. King,	Charles H. Russel,
	H. Kneeland,	Isaac Bronson,
<i>New Jersey</i> . . .	John R. Thomson.	
<i>Virginia</i>	Thomas T. Giles,	Archibald Bryce, Jr.
	James Magruder,	Benjamin H. Magruder,
	William Daniel, Jr.	S. H. Davis.
<i>N. Carolina</i> . .	J. W. Cochran.	
<i>S. Carolina</i> . . .	John Taylor,	Thomson T. Player,
	J. Berkley Grimbail,	James Rose,
	William Smith,	Thomas Williams, Jr.
<i>Alabama</i>	William J. Mason.	

The following resolution was offered by Mr. EDWARDS, of South Carolina, and agreed to.

Resolved, That the President of the Convention be requested to make such arrangements as, in his discretion, may be necessary for the accommodation of such ladies as may think proper to attend.

The PRESIDENT announced from the Chair the following names of gentlemen invited to take seats within the bar of this Convention, by virtue of the resolution adopted on the first instant, viz :

Henry D. Sedgwick, of Massachusetts.
Col. James Wadsworth, of Geneseo, New York.
Anthony B. Arnold, of Providence, Rhode Island.
John Sarchet, of Philadelphia.
David Witmer, of Lancaster County, Pennsylvania.
Edward Bettle, of Philadelphia.
Frederick Cabot, of Boston.
Mr. McIntosh, of South Carolina.
Mr. McAllister, of Georgia.

The PRESIDENT laid before the Convention a letter from Mr. JOHN I. MUMFORD, of New York, offering for its acceptance several hundred copies of the Report of the Committee on Commerce, made to the House of Representatives in the year 1829.

Mr. GALLATIN, of New York, Chairman of the General Committee, made a verbal report, in substance as follows, accompanied by two resolutions :

The General Committee had agreed that it was proper that a Memorial to Congress, and an Address to the People of the United States, should be prepared, urging the necessity of such modifications of the existing Tariff as may be competent to produce a revenue adequate to the wants of Government, and equal in its operation upon the different parts of the Union, and the several interests of the same. And they had accordingly appointed sub-committees to prepare the said Memorial and Address. But, doubts having arisen as to the extent of the powers intended to be conferred by the Convention on the General Committee, the sub-committee have deemed it expedient to suspend their proceedings until further instructions in that respect were obtained. Whereupon, the following resolutions were adopted by the General Committee :

Resolved, That it be recommended to the Convention to constitute a permanent Committee, to consist of one person from each State represented therein, whose duty it shall be to present to Congress the Memorial adopted by this Convention, and to collect, and in like manner to present to that body, such evidence as may be necessary to sustain the same, and to attend personally, at the next meeting of Congress, to further the objects of the said Memorial.

2. *Resolved*, That the Chairman of the General Committee be directed to ask further instructions of the Convention, whether the Committee shall be limited to report merely such objects as ought to engage the attention of the Convention, and to state the mode of accomplishing the same, or whether they shall be authorized to prepare and

report to the Convention, for their consideration, drafts of such addresses, memorials, or other papers, as may be deemed proper to effect the objects of the Convention.

The first resolution above reported, was, on motion of Mr. POINDEXTER, laid on the table.

The second resolution was also laid upon the table.

Mr. PRESTON, of South Carolina, offered the following resolution :

Resolved, That the Committee be limited to report merely such objects as ought to engage the attention of the Convention, and to state the mode of accomplishing the same.

Mr. SWETT, of Massachusetts, moved to amend the same by striking out all that follows the word "Resolved," and by inserting these words—

"That the Committee, consisting of two members from the several States, appointed under the resolution of the 1st instant, be authorized to prepare drafts of such addresses, memorials, and other papers, as they may think proper to submit to the Convention for their consideration, and calculated, in their opinion, to promote the objects of this body."

The question having been put upon the adoption of the amendment, it was not agreed to.

The question then recurring on the resolution of Mr. Preston, it was agreed to.

Mr. PRESTON then inquired if the General Committee was ready to report.

Mr. GALLATIN, on the part of that Committee, replied that it was not ready to report.

The following resolution was then offered by Mr. POINDEXTER :

Resolved, That the Chief Justice of the United States, who is now in this city, be invited to take a seat within the bar of this Convention.

Which resolution was unanimously agreed to.

Mr. GILMER, of Virginia, stated, that, as two Delegates from Connecticut had taken their seats since the last session, he desired to be informed from the Chair, whether they were to be considered as members of the General Committee.

The PRESIDENT declared such to be his understanding, and no objection being made, it was accordingly so considered.

The PRESIDENT laid before the meeting a communication addressed to him, containing resolutions adopted at a public meeting of the citizens of Lauderdale county, Alabama, opposed to a system of protecting manufactures by an imposition of duties on foreign merchandise, held 14th September, 1831, of which Major PETER F. ARMISTEAD was Chairman, and WILLIAM B. WALLACE Secretary, expressive of their opposition to the Protective System, and of their willingness to be represented in this Convention, had sufficient time been afforded.

Ordered, That the same be read, and laid upon the table.

On motion,

Resolved, That there be a recess of the Convention for the space of one hour.

After the lapse of one hour, the President resumed the Chair, when Mr. GALLATIN, from the General Committee, reported, in part, the following resolutions :

"*Resolved*, That an Address to the People of the United States be

prepared, setting forth the evils of the existing Tariff, and urging them to unite in effecting such a modification of it, as may be commensurate with the purposes of revenue, and equal in its operation, upon the different parts of the Union, and the several interests of the same.

Resolved, That a Memorial to the Congress of the United States be prepared, recapitulating the evils, and asking such a modification of the existing Tariff as may be competent to produce a revenue adequate to the wants of the Government, and equal in its operations upon the different parts of the Union, and the different interests of the same.

Which resolutions were again separately read, and unanimously agreed to.

Mr. MERCEIN, of New York, offered the following resolution :

Resolved, That so much of the report of the General Committee as relates to a Memorial to Congress, and an Address to the People of the United States, be referred to the said Committee, for the purpose of preparing said Memorial and Address, and reporting the same for the consideration of this Convention.

And, on putting the question, a division was called for ; when there appeared for the resolution, 117—a majority of the Convention; and so the resolution was agreed to.

Mr. JONES, of Georgia, offered the following resolution :

Resolved, That the existing Tariff laws of Congress, so far as they go to the protection of manufactures, and exceed the purposes of revenue, are manifest violations of the true intent and spirit of the Constitution, inexpedient, unequal in their operation, oppressive, and unjust ; and that the Committee appointed by this Convention, be instructed particularly to insist on the same in the Memorial to Congress, and in the Address to the People of the United States.

Mr. CLAPP, of Maine, offered to amend the said resolution, by striking out all that follows the word “ Resolved,” and by inserting these words : “ That the present Tariff system is *unjust*, as it is unequal in its operation ; *oppressive*, inasmuch as a public burthen for the benefit of a few ; impolitic, as subversive of the harmony of the Union ; and unbecoming a free Republic, being a departure from the spirit which actuated the framers of the Constitution, and was adopted in compromise: special, not being allowed to conflict with general interests—public good being the base of public acts.”

Mr. BASSETT, of Virginia, moved to lay the resolution and the amendment on the table, which was agreed to.

Mr. POINDEXTER, of Mississippi, offered the following resolutions :

Resolved, That we feel the strongest attachment to the Union of the States composing the Confederacy of the United States, and that we pledge our lives, our fortunes, and our sacred honor, to defend the same against all encroachments, internal and external, which may threaten its duration ; which sentiment we cannot be induced, by any emergency, to yield, while the liberty of the people is preserved, and the rights of the parties to the compact respected according to the provisions of the Constitution.

2. *Resolved*, That all laws regulating labor by penal enactments, by bounties, or monopolies, are inconsistent with the principles of free

Government, and a palpable violation of the inherent and inalienable rights of a free people; and contrary to the letter and spirit of the Constitution of the United States.

3. *Resolved*, That the obvious and legitimate object of a written Constitution, is to define the powers of the Government; to limit the action of the majority, and to protect the rights of the minority from invasion by a usurpation of powers not enumerated in the grant.

4. *Resolved*, That the law of Congress, entitled "An act in alteration of the several acts imposing duties on imports," passed on the 19th day of May, 1828, is unequal in its operation on the great interests of the nation; oppressive on Agriculture, Commerce, and Navigation. That said act recognizes and imposes a system of taxation, falling with peculiar injustice on those who cultivate the soil, and supply, by their industry, the export trade of the United States, and on all others not immediately engaged in manufactures; that, in effect, it assumes a power unknown to the Constitution, to regulate labor by bounties and monopolies, to the unlimited exercise of which power, a free people cannot, and ought not to submit, when all hopes of redress shall have vanished.

5. *Resolved*, That a solemn appeal be made to the patriotism and justice of the people of the United States, to unite in obtaining such modifications of the existing Tariff as may be essential to all the important interests of the people, and calculated to quiet the fears and satisfy the reasonable demands of every section of the Union; and also, that a Memorial, of like import, be addressed to the Congress of the United States, to be presented at their next session.

6. *Resolved*, That the preceding resolutions be referred to such Committee as may be appointed to prepare the aforesaid Address and Memorial."

Mr. VETHAKE, of New Jersey, moved to lay the said resolutions on the table, but, after some remarks from Mr. A. P. BUTLER, of South Carolina, withdrew the same, to give place to a motion of the mere reference of the resolutions to the Committee, without instructions.

Mr. MILLER, of South Carolina, then offered the following resolution:

Resolved, That the resolutions offered by Mr. POINDEXTER, Mr. CLAPP, and Mr. JONES, be referred to the General Committee.

The PRESIDENT having first stated that, according to parliamentary usage, such reference would not amount to the expression of any opinion on the part of the Convention of the merits of the resolutions, the question was put, and the resolution was agreed to.

Mr. FISH, of New York, offered the following resolution:

Resolved, That the Hon. JAMES BROWN, late Minister to France, be invited to take a seat within the bar of the Convention.

Which was agreed to.

The Secretary then called the roll, when it appeared that two hundred and one members had taken their seats in the Convention, viz:

From Maine	-	-	3	From New York	-	23
Massachusetts	-	18		New Jersey	-	9
Rhode Island	-	1		Pennsylvania	-	16
Connecticut	-	-	2	Maryland	-	2

From Virginia	-	-	51	From Alabama	-	-	11
North Carolina	-	-	16	Mississippi	-	-	1
South Carolina	-	-	40	Tennessee	-	-	2
Georgia	-	-	6				

Mr. LYONS, of Virginia, offered the following resolution :

Whereas a number of copies of the Report of the Committee on Commerce, made to the House of Representatives in 1829, have been placed at the disposition of this Convention—

Resolved, That the same be placed on the table of the Secretary, for the use of the members.

On motion of Mr. GALLATIN,

Resolved, That when this Convention adjourns, it be to meet again on Wednesday next, at 12 o'clock.

On motion of Mr. EDWARDS,

The Convention then adjourned,

FOURTH DAY.

WEDNESDAY, OCTOBER 5th, 1831.

At 12 o'clock the President took the Chair, when the minutes of the preceding session were read.

The following Delegates appeared and took their seats.

<i>From Virginia</i> ,	Littleton Upsher.
<i>New York</i> ,	James Heard, E. D. Comstock, Silas M. Stilwell.
<i>Maryland</i> ,	George Hoffman.
<i>Massachusetts</i> ,	John Pickens.
<i>South Carolina</i> ,	Thomas Flemming.
<i>New Jersey</i> ,	R. F. Stockton,
<i>North Carolina</i> ,	N. Bruer.
<i>Connecticut</i> ,	Roger Minot Sherman.

The PRESIDENT laid before the Convention a communication, addressed to him by Mr. JAMES RONALDSON, of the City of Philadelphia, relating to the price of iron at two different periods, which letter, on motion, was laid upon the table.

Mr. MITCHELL, of South Carolina, offered the following resolution :

Resolved, That the Federative Committee do inquire into the expediency of recommending the abolition of specific and minimum duties, and the substitution of the *ad valorem* duty on all imports.

Which resolution was, on motion of Mr. MITCHELL, referred to the General Committee.

Mr. JONES, of Georgia, offered the following resolution :

Resolved, That this Convention accepts, with thankful acknowledgments, the copies of Mr. CAMBRELENG'S Report on Commerce and Navigation, presented by Mr. JOHN I. MUMFORD, for the use of the Convention.

Mr. STEVENS, of New York, moved to amend the same by striking out the name of Mr. Cambreleng, so as to make it read "Report of the Committee on Commerce and Navigation;" which was not agreed to, and then the resolution was adopted.

The Secretary stated that there were lying upon his table an invitation from the Franklin Institute to each member of this Convention, to attend its annual exhibition of manufactures.

Mr. PRESTON, of South Carolina, offered the following resolution:

Resolved, That a Committee be appointed by the President to wait upon the General Committee, now in session, for the purpose of ascertaining at what time they will be ready to report.

Which resolution was agreed to, and

Mr. PRESTON, and Mr. ROANE, of Virginia, were appointed that Committee.

In a short time, Mr. PRESTON, from the Committee last appointed, reported: That they had waited upon the General Committee, and received from the Chairman information that the Committee would be ready to report in a few minutes, or to ask further time.

Mr. BASSETT, of Virginia, offered the following resolution:

Resolved, That a Committee be appointed to confer with the Pennsylvania Delegation, in reference to the raising of a fund to pay the expenses incident to the meeting of this Convention.

The resolution was agreed to, and the following gentlemen were appointed:

Mr. Bassett, Mr. Sedgwick, Mr. Carpenter, Mr. A. P. Butler, Mr. Jones, of Georgia.

Mr. GALLATIN, from the General Committee, stated that that committee was not yet ready to report, but would be ready to do so at 4 o'clock this afternoon, and accordingly asked further time; when it was, on motion,

Resolved, That further time be granted, and that there be a recess of this Convention until 4 o'clock, P. M.

Mr. PRICE, of Pennsylvania, stated that he had been requested by the Managers of the Pennsylvania Hospital, to invite the individual members of this Convention to visit the said institution, at any time it may suit their convenience.

4 o'clock, P. M.

The PRESIDENT announced the names of the following gentlemen, as having been invited by him to take seats within the bar of the Convention.

The Consul General of Sweden.

The Charge d'Affaires of Denmark.

The Hon. Judge Baldwin, of the Supreme Court of the U. States.

The Hon. Judge Morgan, of Philadelphia.

Gen. Preston, of Virginia.

The Hon. Warren R. Davis, Representative in Congress, from South Carolina.

The Hon. Mr. Johnston, a Senator from Louisiana.

Mr. BERRIEN, from the General Committee, reported the draft of an Address to the People of the United States; which having been read by him to the Convention, it was, on motion of Mr. JONES, of Georgia, *Resolved*, That the said Address be laid upon the table, and that 300 copies be printed for the use of the members.

Mr. PRESTON, of South Carolina, moved, that when this Convention adjourn, it be to meet again at 10 o'clock to-morrow morning; which was agreed to, and, on motion,

The Convention adjourned.

FIFTH DAY.

THURSDAY, OCTOBER 6th, 1831.

At 10 o'clock, the President took the chair, when the minutes of the preceding day were read.

Mr. JOHN I. DONALDSON, a Delegate from Maryland, appeared and took his seat.

The PRESIDENT stated, that one of the members of the General Committee had informed him, that the Address to the People of the United States, reported yesterday, would not be ready until 12 o'clock, and he submitted to the Convention, the expediency of a recess until that hour.

Mr. POINDEXTER, of Mississippi, offered the following resolution :

Resolved, That it be recommended to the Convention, that a Committee of six be appointed, and requested to attend in the city of New York, and express to the Convention there to be assembled on the 26th of the present month, in the name of this Convention, a sincere desire to meet, in the spirit of conciliation, such Committee as they may appoint to confer on the modifications which ought to be made in the existing Tariff of duties, on goods, wares and merchandise imported into the United States, so as to render the same, as far as may be, equal in its operation, and satisfactory to the people of the United States; and submit the result of such conference to the permanent Committee, appointed by the preceding resolution.

Which resolution was laid on the table.

Mr. MITCHELL, of South Carolina, laid before the Convention a printed paper, addressed "To the Members of the Anti-Tariff Convention at Philadelphia," dated at Charleston, S. C. on the 24th of September, 1831, and signed by Benjamin Faneuil Hunt, Delegate from St. James', Santee; which was ordered to be read.

The Secretary proceeded to the reading of the same, and after some progress therein, it was moved, by

Mr. PRESTON, of South Carolina, that the further reading be dispensed with, and that the document be laid on the table.

Which was agreed to.

On motion of Mr. PARSONS, of Alabama, it was then

Resolved, That there be a recess of the Convention until 1 o'clock.

At 1 o'clock, the President resumed the chair.

A communication was read from Mr. John Sarchet, of Philadelphia, *practical Blacksmith*, containing some information on the subject of the price of iron, in answer to the statement made in Mr. Ronaldson's letter, which was yesterday laid before the Convention.

Mr. MITCHELL, of South Carolina, moved that the said letter be printed.

Mr. A. P. BUTLER, of South Carolina, proposed to add these words, "in conjunction with the letter of Mr. Ronaldson," which amendment was adopted by Mr. MITCHELL, as a modification; and the question having been put, the resolution was not agreed to.

Mr. POINDEXTER moved to adjourn, but subsequently withdrew the motion, for the purpose of submitting the following resolution:

Resolved, That 10 o'clock, A. M. daily, be the standing hour for the meeting of this Convention, until otherwise directed.

Mr. JONES, of Georgia, moved that the Convention adjourn; and on the question being put, it was not agreed to.

Mr. MILLER, of South Carolina, moved that the Convention resolve itself into a Committee of the Whole, upon the Address to the People of the United States; which was agreed to.

The PRESIDENT appointed Mr. SEDGWICK, of Massachusetts, Chairman of the Committee of the Whole, but Mr. SEDGWICK not being at that moment present,

Mr. BANKS, of Virginia, was appointed, and the President left the Chair.

After a short period, the President resumed the Chair, when Mr. BANKS reported that the Committee of the Whole had had under consideration the Address to the People of the United States, committed to them; that they had made some progress in the same, and had instructed their Chairman to ask leave to sit again.

Upon the question of granting leave to sit again, it was unanimously agreed to.

The following names were announced by the President during the day, of gentlemen invited by him to take seats within the bar of the Convention:

Mr. Ingham, late Secretary of the Treasury.

Mr. Saul Alley, of New York.

Mr. William D. Shepherd, of North Carolina.

Mr. John Hare Powell, of Philadelphia.

On motion of Mr. BERRIEN, of Georgia, the Convention adjourned.

SIXTH DAY.

FRIDAY, OCTOBER 7th, 1831.

At 10 o'clock, the President took the Chair, when the minutes of the preceding session were read.

The Hon. C. C. Cambreleng, and Mr. Wm. B. Lawrence, were invited by the President to take seats within the bar of the Convention.

The PRESIDENT then announced the order of the day to be, that this Convention do resolve itself into a Committee of the Whole, for the purpose of taking into consideration the Address to the People of the United States, reported from the General Committee.

Mr. BERRIEN, of Georgia, moved that the Committee of the Whole be discharged from the further consideration of the said Address; which motion was seconded by Mr. CHIEVES, of South Carolina, and on the question being taken, was agreed to.

The PRESIDENT then stated, that the Address to the People of the United States was before the Convention.

Mr. GALLATIN, of New York, moved to amend the said Address, by striking out that part thereof which commences with the words, "In justice to that body," in paragraph fifth, and which terminates with the words, "stand upon our chartered rights?" at the end of the eighth paragraph.

Upon this motion, the yeas and nays were called by many members, and were as follows.

YEAS:

MASSACHUSETTS	Theodore Sedgwick,	Joseph Ropes.
RHODE ISLAND.....	William Hunter.	
NEW YORK.....	Jonathan Goodhue, Thomas R. Mercein, John A. Stevens, Isaac Carow, John Constable, James Boorman, George Griswold, Benjamin L. Swan, George T. Trimble,	Zebedec Ring, Albert Gallatin, Jacob Lorillard, James G. King, Charles H. Russell, Isaac Bronson, James Heard, Silas M. Stilwell.
NEW JERSEY.....	C. L. Hardenbergh, J. C. Van Dyck, J. Bayard Kirkpatrick, Miles C. Smith,	Henry Clow, Henry Vethacke, John R. Thomson, R. F. Stockton.
PENNSYLVANIA.....	Edward D. Ingraham, Samuel Spackman,	Thomas P. Cope.
MARYLAND	George Hoffman,	John J. Donaldson.
NORTH CAROLINA.....	Edward B. Dudley.	
SOUTH CAROLINA.....	Henry Middleton.	

35

NAYS:

MAINE.....	Joshua Carpenter, Charles Q. Clapp.	S. H. Mudge.
MASSACHUSETTS.....	Henry Lee, T. S. Pomeroy, Samuel Swett, Gideon Tucker, John L. Gardner, George Peabody, Pickering Dodge,	Isaac Newhall, Henry Williams, Edward Craft, William Goddard, Ebenezer Breed, Thomas P. Bancroft, John Pickens.
NEW YORK.....	Preserved Fish, John Leonard,	Edwin Bergh, H. Kneeland.

NEW JERSEY.....John Potter.

PENNSYLVANIA.....Joseph R. Evans,
George Emlen,
Clement C. Biddle,
J. M. Barclay,
E. Littell,
Samuel F. Smith,
Isaac W. Norris,

Richard Price,
Henry R. Watson,
John A. Brown,
Philip H. Nicklin,
Condy Ragnet,
William McIlhenney.

MARYLANDWilliam W. Handy,

Arnold D. Jones.

VIRGINIAPhilip P. Barbour,
Henry E. Watkins,
Richard Booker,
James M. Garnett,
Samuel L. Venable,
Thomas R. Dew,
Walker Hawes.
Philip A. Dew,
John Brockenbrough,
Thomas Miller,
William G. Overton,
George C. Drozgoole,
Randolph Harrison,
Charles Yancey,
Robert Hurt,
Ferdinand W. Risque,
Malcolm Macfarland,
Thomas W. Gilmer,
Burwell Bassett,
H. R. Anderson,
Josiah Ellis,
Charles Everett,
Alex. Gordon Knox,
George M. Payne,
James S. Brander,

William Maxwell,
Benjamin F. Dabney,
R. O. Grayson,
S. A. Storrow,
Charles Cocke,
John W. Jones,
William O. Goode,
William Townes,
John Dickinson,
William B. Rogers,
William P. Taylor,
John H. Bernard,
Linn Banks,
William H. Roane,
James Lyons,
John Tabb,
James Jones,
Thomas T. Giles,
Arelibald Bryce, Jr.
James Magruder,
Benjamin H. Magruder,
William Daniel, Jr.
S. H. Davis,
Littleton Upsher.

NORTH CAROLINA.....Joseph B. Skinner,
Louis D. Wilson,
James Iredell,
William R. Holt,
Joseph B. G. Roulhac,
William A. Blount,
Joseph D. White,

S. T. Sawyer,
David Outlaw,
Thomas S. Hoskins,
John E. Wood,
J. W. Cochran,
Nathaniel Bruer.

SOUTH CAROLINA.....Zachariah P. Herndon,
James G. Spann,
F. W. Davie,
James Cuthbert,
Thomas Pinckney,
T. D. Singleton,
William Butler,
Joseph W. Allston,
Henry N. Cruger,
Charles Macbeth,
Henry C. Young,
A. P. Butler,
H. A. Middleton,
Thomas R. Mitchell,
W. Wilkinson,
Philip Tidyman,
Stephen D. Miller,
William Pope,
John Fraser,
Job Johnston.

John D. Edwards,
John Carter,
Langdon Cheves,
Joseph E. Jenkins,
Hugh Wilson,
J. H. Glover,
T. Pinckney Alston,
Edward Richardson,
William Harper,
William C. Preston,
~~Henry Middleton~~
Daniel E. Huger,
Hugh S. Legare,
John Taylor,
Thomson T. Player,
J. Berkley Grimball,
James Rose,
William Smith,
Thomas Williams, Jr.
Thomas Flemming.

GEORGIA	Eli S. Shorter, Robert Habersham, Alexander Telfair,	John Cumming, Seaborn Jones, J. Macpherson Berrien.
ALABAMA	John A. Elmore, Benajah S. Bibb, Enoch Parsons, Alfred V. Scott, John W. Moore, Howell Rose,	P. Waters, Henry Goldthwaite, Ward Taylor, Archibald P. Baldwin, William J. Mason.
MISSISSIPPI.....	George Poindexter.	
TENNESSEE.....	William E. Butler,	Alexander Patton. 159

Yeas 35—Nays 159.

So the motion to strike out was not agreed to.

Mr. JOHNSTON, of South Carolina, then moved to amend the Address, by striking out from the seventh paragraph, these words—"they admit the power of Congress to lay and collect such duties as they may deem necessary for the purposes of revenue, and, within these limits, so to arrange those duties as incidentally, and to that extent, to give protection to the manufacturer. They deny the right to convert what they denominate the incidental, into the principal power, and, transcending the limits of revenue, to impose an additional duty, substantively and exclusively for the purpose of affording that protection."

Mr. WATERS, of Alabama, moved to amend the amendment, so as to strike out only these words—"so to arrange those duties as"—which would leave the language of the Address thus: "They admit the power of Congress to lay and collect such duties as they may deem necessary for the purposes of revenue, and, within these limits, incidentally, and to that extent, to give protection to the manufacturer."

Some debate having arisen on this amendment, Mr. EDWARDS, of South Carolina, asked if it would be in order to call for the previous question, but the President decided that, according to Parliamentary proceedings, such a motion would not be in order, although it would be in order according to the rules of the House of Representatives of the United States.

Mr. EDWARDS then moved that the rules of Congress should be adopted for this occasion; but the President decided that no question not immediately relating to the subject of the Address, could now be submitted, without a departure from Parliamentary order.

Mr. LYONS, of Virginia, then moved to lay the amendment, with the Address, on the table, for the present,

Which motion was not agreed to.

Mr. JOHNSTON then stated that, as he had accomplished his object by having his motion recorded on the journal, he would now withdraw it; and this having accordingly been done, the amendment proposed by Mr. WATERS was no longer before the Convention.

The question having then been put by the PRESIDENT,
Shall the Address be adopted?

The yeas and nays were called for by many members.

Mr. HERNDON, of South Carolina, stated that he should vote in favor of the Address, with the exception of the passage which Mr. JOHNSTON had moved to strike out.

The yeas and nays were as follows :

YEAS.

MAINE	Joshua Carpenter, Charles Q. Clapp.	S. H. Mudge.
MASSACHUSETTS	Henry Lee, T. S. Pomeroy, Gideon Tucker, Horatio Byington, John L. Gardner, George Peabody, Pickering Dodge, Isaac Newhall.	J. W. Rodgers, Henry Williams, Edward Cruft, William Goddard, Ebenezer Breed, Thomas P. Bancroft, John Pickens.
NEW YORK.....	Preserved Fish, John Leonard, Edwin Bergh, Jonathan Goodhue.	Jacob Lorillard, H. Kneeland, Isaac Bronson, James Heard.
NEW JERSEY.....	John C. Schenck.	John Potter.
PENNSYLVANIA	Joseph R. Evans, George Emlen, Clement C. Biddle, Edward D. Ingraham, J. M. Barclay, E. Littell, Samuel F. Smith.	Isaac W. Norris, Richard Price, Henry R. Watson, John A. Brown, Philip H. Nicklin, Condy Ragnet, William Mehlhenney.
MARYLAND	William W. Handy, Arnold D. Jones.	George Hoffman, John J. Donaldson.
VIRGINIA	Philip P. Barbour, Henry E. Watkins, Richard Booker, James M. Garnett, Samuel L. Venable, Thomas R. Dew, Walker Hawes, Philip A. Dew, John Brockenbrough, Thomas Miller, William G. Overton, George C. Dromgoole, Randolph Harrison, Richard Jones, Charles Yancey, Robert Hurt, Ferdinand W. Risque, Malcomb Macfarland, Thomas W. Gilmer, Burwell Bassett, H. R. Anderson, Josiah Ellis, Charles Everett, Alex. Gordon Knox, George M. Payne.	James S. Brander, William Maxwell, Benjamin F. Dabney, R. O. Grayson, S. A. Storrow, Charles Cocke, John W. Jones, William O. Goode, William Townes, John Dickinson, William B. Rogers, William P. Taylor, John H. Bernard, Linn Banks, William H. Roane, James Lyons, John Tabb, James Jones, Thomas T. Giles, Archibald Bryce, Jr. James Magruder, Benjamin H. Magruder, William Daniel, Jr. S. H. Davis, Littleton Upsher.
NORTH CAROLINA.....	Joseph B. Skinner, Louis D. Wilson, James Iredell, William R. Holt, Joseph B. G. Ronlhac, Edward B. Dudley, William A. Blount,	Joseph D. White, S. T. Sawyer, David Outlaw, Thomas S. Hoskins, John E. Wood, J. W. Cochran, Nathaniel Bruer.

SOUTH CAROLINA	Zachariah P. Herndon, James G. Spann, F. W. Davie, James Cuthbert, Thomas Pinckney, T. D. Singleton, William Butler, Joseph W. Allston, Henry N. Cruger, Charles Macbeth, Henry C. Young, A. P. Butler, H. A. Middleton, Thomas R. Mitchell, W. Wilkinson, Philip Tidyman, Stephen D. Miller, William Pope, John Fraser, Job Johnston,	John D. Edwards, John Carter, Langdon Cheves, Joseph E. Jenkins, Hugh Wilson, J. H. Glover, T. Pinckney Alston, Edward Richardson, William Harper, William C. Preston, Henry Middleton, Daniel E. Huger, Hugh S. Legare, John Taylor, Thomson T. Player, J. Berkley Grimball, James Rose, William Smith, Thomas Williams, Jr. Thomas Flemming.
GEORGIA	Eli S. Shorter, Robert Habersham, Alexander Telfair.	John Cumming; Seaborn Jones, John Macpherson Berrien.
ALABAMA	John A. Elmore, Benajah S. Bibb, Enoch Parsons, Alfred V. Scott, John W. Moore, Howell Rose.	P. Waters, Henry Goldthwaite, Ward Taylor, Archibald P. Baldwin, William J. Mason.
MISSISSIPPI.....	George Poindexter.	
TENNESSEE.....	William E. Butler.	Alexander Patton, 170.
NAYS.		
MASSACHUSETTS	Theodore Sedgwick.	Joseph Ropes.
RHODE ISLAND	William Hunter.	
CONNECTICUT.....	Roger Minot Sherman.	
NEW YORK.....	Thomas R. Mercein, John A. Stevens, Isaac Carow, John Constable, James Boorman, George Griswold, Benjamin L. Swan.	George T. Trimble, Zebedee Ring, Albert Gallatin, James G. King, Charles H. Russell, Silas M. Sulwell.
NEW JERSEY.....	C. L. Hardenbergh, J. C. Van Dyck, J. Bayard Kirkpatrick, Miles C. Smith,	Henry Clow, Henry Vethake, John R. Thomson, R. F. Stockton.
PENNSYLVANIA	Samuel Spackman,	Thomas P. Cope. 27.

Yeas 170—Nays 27.

So the Address was adopted.

Mr. BERRIEN, from the General Committee, reported the following resolutions:

1. *Resolved*, That the Committee who were instructed to prepare a Memorial to Congress, setting forth the evils of the existing Tariff of duties, and asking the modification of the same, be discharged from that duty.

Which resolution was agreed to.

2. *Resolved*, That a Committee, to consist of one member to be selected from each State represented in this Convention, be appointed by the President, whose duty it shall be to prepare a Memorial to Congress, setting forth the evils of the existing Tariff of duties, and asking such a modification of the same, as shall be consistent with the purposes of revenue, and equal in its operation on the different parts of the United States, and on the various interests of the same: That it shall be the duty of the said Committee to collect the evidence necessary to support the said Memorial, to present it to Congress at its next session, and to attend personally at Washington, for the purpose of promoting the same.

That the said Committee be instructed to insist in the said memorial—

That the present Tariff System is unequal in its operation, and therefore, unjust—that it is oppressive, because it imposes burthens on the many for the benefit of the few—unwise and impolitic, since its tendency is to disturb the harmony of the Union—that it is inconsistent with the principles of free Government, and at variance with that spirit of justice and mutual concession, in which the Constitution was conceived and adopted—operating unequally and unjustly upon the different portions of this Union, having a direct and almost inevitable tendency to demoralize our people, and calculated to produce discontent among the people of the United States, by a numerous and respectable portion of whom it is believed to be unconstitutional and void; and, finally, that its effect is to diminish the productive resources of the country, and to lessen the amount of the necessities and conveniences of life which are enjoyed by our people.

And that the said Committee be instructed, moreover, to express the willingness of the memorialists to acquiesce in such an interposition of the legislative power, as shall be prospective in its operation, thereby avoiding any sudden revulsion which might operate with undue severity on the manufacturing interest, but leading to the desired result with the least possible injury to the interests which have grown up under the existing system of protective duties.

Mr. SHORTER, of Georgia, moved that the words, “and is, in many respects, infinitely more oppressive upon the poor than upon the rich,” be inserted after the words “our people,” at the end of the third paragraph, which amendment was agreed to.

Mr. LITTELL, of Pennsylvania, moved that the words “and void,” be stricken out from the third paragraph; which amendment was also agreed to.

Mr. PRESTON, of South Carolina, moved to strike out from the resolution, that part which rendered it obligatory upon the members to attend personally at Washington.

Which motion was not agreed to; but the resolution was so amended as to insert these words, or “by a sub-committee;” so as to make it read, “to attend personally, or by a sub-committee at Washington, for the purpose of promoting the same.”

Mr. POINDEXTER, of Mississippi, stated, that his being at this time a member of the Senate of the United States, would render it improper for him to act as a member of the Committee on the Memorial; when it was, on motion,

Resolved, That Mr. POINDEXTER be excused from serving on said Committee.

The question was then put on the adoption of the resolution as amended, and the yeas and nays having been called by many members, were as follows :

YEAS :

MAINE	Joshua Carpenter, Charles Q. Clapp,	S. H. Mudge.
MASSACHUSETTS	Henry Lee, T. S. Pomeroy, Gideon Tucker, Theodore Sedgwick, John L. Gardner, George Peabody, Pickering Dodge, Joseph Ropes,	Isaac Newhall, Henry Williams, Edward Cruft, William Goddard, Ebenezer Breed, Thomas P. Baueroft, John Pickens.
RHODE ISLAND.....	William Hunter.	
CONNECTICUT.....	Roger Minot Sherman.	
NEW YORK.....	Preserved Fish, John Leonard, Edwin Bergh, Jonathan Goodhue, Thomas R. Mercein, John A. Stevens, Isaac Carow, John Constable, George Griswold, Benjamin L. Swan,	George T. Trimble, Zebedee Ring, Albert Gallatin, Jacob Lorillard, James G. King, Charles H. Russell, H. Kueeland, Isaac Bronson, James Heard, Silas M. Stilwell.
NEW JERSEY.....	C. L. Hardenbergh, J. C. Van Dyck, J. Bayard Kirkpatrick, Miles C. Smith, Henry Clow,	John C. Schenck, John Potter, John R. Thomson, R. F. Stockton.
PENNSYLVANIA.....	Joseph R. Evans, George Emlen, Clement C. Biddle, Edward D. Ingraham, J. M. Barelay, E. Littell, Samuel F. Smith, Isaac W. Norris,	Richard Priece, Henry R. Watson, John A. Brown, Philip H. Nicklin, Condy Raguett, Samuel Spaekman, Thomas P. Cope, William McIlhenney.
MARYLAND.....	William W. Handy, Arnold D. Jones,	George Hoffman, John J. Donaldson.
VIRGINIA.....	Philip P. Barbour, Henry E. Watkins, James M. Garnett, Samuel L. Venable, Thomas R. Dew, Walker Hawes, Philip A. Dew, John Brockenbrough, Thomas Miller, William G. Overton, George C. Dromgoole, Randolph Harrison, Richard Jones, Charles Yancey, Robert Hurt, Ferdinand W. Risque, Malcolm Macfarland, Thomas W. Gilmer, Burwell Bassett, H. R. Anderson, Josiah Ellis, Charles Everett, Alex. Gordon Knox,	George M. Payne, James S. Brander, William Maxwell, Benjamin F. Dabney, R. O. Grayson, S. A. Storrow, Charles Cocke, John W. Jones, William O. Goode, William Townes, John Dickinson, William B. Rogers, William P. Taylor, John H. Bernard, Linn Banks, William H. Roane, James Lyons, John Tabb, James Jones, Thomas T. Giles, Archibald Bryce, Jr. James Magruder, Benjamin H. Magruder,

VIRGINIA.....	William Daniel, Jr. S. H. Davis,	Littleton Upsher.	
NORTH CAROLINA.....	Joseph B. Skinner, Louis D. Wilson, James Iredell, William R. Holt, Joseph B. G. Roulhac, William W. Jones, Edward B. Dudley, William A. Blount,	Joseph D. White, S. T. Sawyer, David Outlaw, Thomas S. Hoskins, John E. Wood, J. W. Cochran, Nathaniel Bruer.	
SOUTH CAROLINA.....	James G. Spann, F. W. Davis, James Cathbert, Thomas Pinckney, T. D. Singleton, William Butler, Joseph W. Allston, Henry N. Cruger, Charles Macbeth, A. P. Butler, H. A. Middleton, Thomas R. Mitchell, W. Wilkinson, Philip Tidymian, Stephen D. Miller, William Pope, John Fraser, Job Johnston, John D. Edwards,	John Carter, Langdon Cheves, Joseph E. Jenkins, Hugh Wilson, J. H. Glover, T. Pinckney Alston, Edward Richardson, William Harper, William C. Preston, Henry Middleton, Daniel E. Huger, Hugh S. Legare, John Taylor, Thomson T. Player, J. Berkley Grimbail, James Rose, William Smith, Thomas Williams, Jr. Thomas Flemming.	
GEORGIA.....	Eli S. Shorter, Robert Habersham, Alexander Telfair,	John Cumming, Seaborn Jones, John M. Berrien.	
ALABAMA.....	John A. Elmore, Benajah S. Bibb, Enoch Parsons, Alfred V. Scott, John W. Moore, Howell Rose,	P. Waters, Henry Goldthwaite, Ward Taylor, Archibald P. Baldwin, William J. Mason.	
MISSISSIPPI.....	George Poindexter.		
TENNESSEE.....	William E. Butler,	Alexandor Patton.	189
NAYS:			
SOUTH CAROLINA.....	Zachariah P. Herndon,	Henry C. Young.	2
Yeas 189—Nays 2.			

So the resolution was adopted, in the words following, viz :

Resolved, That a Committee, to consist of one member to be selected from each State represented in this Convention, be appointed by the President, whose duty it shall be to prepare a Memorial to Congress, setting forth the evils of the existing Tariff of duties, and asking such a modification of the same, as shall be consistent with the purposes of revenue, and equal in its operation on the different parts of the United States, and on the various interests of the same, that it shall be the duty of the said Committee to collect the evidence necessary to support the said Memorial, to present it to Congress at its next session, and to attend personally, or by a sub-committee, at Washington, for the purpose of promoting the same.

That the said Committee be instructed to insist in the said memorial—

That the present Tariff System is unequal in its operation, and therefore unjust—that it is oppressive, because it imposes burthens on the many for the benefit of the few—unwise and impolitic, since its tendency is to disturb the harmony of the Union—that it is inconsistent with the principles of free Government, and at variance with that spirit of justice and mutual concession, in which the Constitution was conceived

and adopted, operating unequally and unjustly upon the different portions of this Union, having a direct and almost inevitable tendency to demoralize our people, and calculated to produce discontent among the people of the United States, by a numerous and respectable portion of whom, it is believed to be unconstitutional; and finally, that its effect is to diminish the productive resources of the country, and to lessen the amount of the necessaries and conveniences of life, which are enjoyed by our people—and is, in many respects, infinitely more oppressive upon the poor than upon the rich.

And that the said Committee be instructed, moreover, to express the willingness of the memorialists to acquiesce in such an interposition of the legislative power, as shall be prospective in its operation, thereby avoiding any sudden revulsion which might operate with undue severity on the manufacturing interest, but leading to the desired result, with the least possible injury to the interests which have grown up under the existing system of protective duties.

Mr. POINDEXTER, of Mississippi, called up a resolution offered by him yesterday, and which had been laid on the table, relative to the appointment of a Committee from this Convention, to attend the Convention to be held in New York on the 26th inst.; when the Convention proceeded to consider the same.

It was then moved that there be a recess of the Convention until half past 4 o'clock; which was agreed to.

Half past four, P. M.

The PRESIDENT took the Chair, and announced the appointment, by him, under the resolution of this day, of the following Committee on the Memorial to Congress, viz:

ALBERT GALLATIN, of New York, *Chairman*.

CHARLES Q. CLAPP, of Maine.

HENRY LEE, of Massachusetts.

WILLIAM HUNTER, of Rhode Island.

ROGER MINOT SHERMAN, of Connecticut.

C. L. HARDENBERGH, of New Jersey.

CLEMENT C. BIDDLE, of Pennsylvania.

GEORGE HOFFMAN, of Maryland.

THOMAS R. DEW, of Virginia.

JAMES IREDELL, of North Carolina.

WILLIAM HARPER, of South Carolina.

JOHN M. BERRIEN, of Georgia.

ENOCH PARSONS, of Alabama.

WILLIAM E. BUTLER, of Tennessee.

A motion was then made that this Convention do now adjourn; which was not agreed to.

Mr. POINDEXTER's resolution, which was before the Convention this morning, was again called up for consideration; when it was moved and seconded that the same be indefinitely postponed. Upon the adoption of this resolution, the yeas and nays were called by Mr. POINDEXTER, and were as follows:

YEAS:

MAINE Joshua Carpenter,
Charles Q. Clapp.

S. H. Mudge,

MASSACHUSETTS Henry Lee,
T. S. Pomeroy,

Gideon Tucker,
George Peabody,

MASSACHUSETTS	Isaac Newhall, J. W. Rogers, Henry Williams, Edward Cruft,	William Goddard, Ebenezer Breed, John Pickens.
NEW YORK	Preserved Fish, John Leonard, Edwin Bergh, Jonathan Goodhue, Isaac Carow, John Constable,	George Griswold, Benjamin L. Swan, George T. Trimble, Zebedee Ring, H. Kneeland, James Heard.
NEW JERSEY	Henry Clow,	John Potter.
PENNSYLVANIA	Joseph R. Evans, Clement C. Biddle, J. M. Barclay, E. Littell,	Samuel F. Smith, John A. Brown, Philip H. Nicklin, ✓ Condry Raguet,
MARYLAND	William W. Handy, Arnold D. Jones,	George Hoffman, John J. Donaldson.
VIRGINIA	Henry E. Watkins, Richard Booker, Samuel L. Venable, Thomas R. Dew, Walker Hawes, Thomas Miller, William G. Overton, George C. Droingoole, Randolph Harrison, Richard Jones, Charles Yancey, Robert Hurt, Ferdinand W. Risque, Malcolm Macfarland, Thomas W. Gilmer, Burwell Bassett, H. R. Anderson, Josiah Ellis, Charles Everett, Alexander Gordon Knox,	James S. Brander, Benjamin F. Dabney, R. O. Grayson, S. A. Storrow, Charles Cocke, John W. Jones, William O. Goode, William Townes, William B. Rogers, John H. Bernard, Linn Banks, William H. Roane, James Lyons, Thomas T. Giles, Archibald Bryce, Jr. James Magruder, Benjamin H. Magruder, William Daniel, Jr. S. H. Davis, Littleton Upsher.
NORTH CAROLINA	Joseph B. Skinner, Louis D. Wilson,	William R. Holt, S. T. Sawyer.
SOUTH CAROLINA	Zachariah P. Herndon, James G. Spann, James Cuthbert, Thomas Pinckney, T. D. Singleton, William Butler, Joseph W. Allston, Henry N. Cruger, Charles Macbeth, Henry C. Young, A. P. Butler, H. A. Middleton, Thomas R. Mitchell, Philip Tidyman, Stephen D. Miller, William Pope, John Fraser, Job Johnston,	John Carter, Langdon Cheves, Joseph E. Jenkins, Hugh Wilson, J. H. Glover, T. Pinckney Alston, Edward Richardson, William C. Preston, Henry Middleton, Daniel E. Huger, Hugh S. Legare, John Taylor, Thomson T. Player, J. Berkley Grimbball, James Rose, William Smith, Thomas Williams, Jr. Thomas Flemming.
GEORGIA	Robert Habersham,	Seaborn Jones.

ALABAMA.....	John A. Elmore, Benajah S. Bibb, John W. Moore,	P. Waters, William J. Mason.	127
--------------	---	---------------------------------	-----

NAYS:

MASSACHUSETTS	Theodore Sedgwick.		
CONNECTICUT.....	Roger Minot Sherman.		
NEW YORK.....	John A. Stevens, Albert Gallatin, James G. King,	Charles H. Russell, Isaac Bronson.	
NEW JERSEY.....	C. L. Hardenbergh, J. C. Van Dyck, Miles C. Smith,	John R. Thomson, R. F. Stockton.	
PENNSYLVANIA.....	Richard Price, Henry R. Watson,	Samuel Spackman, Thomas P. Cope.	
VIRGINIA.....	Philip P. Barbour, James M. Garnett,	John Dickinson.	
NORTH CAROLINA	Joseph B. G. Roulhac, Edward B. Dudley, William A. Blount, Joseph D. White,	David Outlaw, Thomas S. Hoskins, Nathaniel Bruer.	
SOUTH CAROLINA.....	William Wilkinson,	William Harper.	
GEORGIA.....	Eli S. Shorter,	John M. Berrien.	
ALABAMA.....	Enoch Parsons, Howell Rose,	Henry Goldthwaite, Archibald P. Baldwin.	
MISSISSIPPI.....	George Poindexter.		
TENNESSEE.....	William E. Butler,	Alexander Patton.	37
Yeas 127—Nays 37.			

So the resolution was indefinitely postponed.

The SECRETARY stated that there had been placed in his possession by Mr. Duff Green, printer to Congress, a number of copies of the last Annual Treasury Report upon the Commerce and Navigation of the United States, for distribution amongst the members of this Convention: that the number now in his possession was equal to three for the Delegation of each State represented in the Convention, and would be delivered by him to any persons authorized to receive the same.

Mr. BASSETT, of Virginia, from the Committee appointed on the 5th inst. to confer with the Pennsylvania Delegation, made a verbal report, in substance as follows:

That the Committee had had a conference with the Pennsylvania Delegation: that that Delegation, with a liberality not expected or desired by this Convention, had, in consideration of the fact that all the other members of this body had incurred great personal expenses in the discharge of their duties, from which those residing in Philadelphia were exempt, insisted upon it as due to the Pennsylvania Delegation, to permit it to defray all the expenses incident to the sessions of the Convention: and, furthermore, the Pennsylvania Delegation desired it to be understood, that they would, at an early day, cause to be published, at their expense, the journal of this Convention, and transmit a copy to each member. Mr. BASSETT concluded his report, by offering the following resolutions:

Resolved, That this Convention express their sense of the polite and

kind attention of the Pennsylvania Delegation, for the arrangements made for their convenience and accommodation, and tender them their most sincere and cordial acknowledgments.

Resolved, That the Delegation from each State be requested to take measures for the publication, within such State, of the proceedings of this Convention.

Which resolutions were unanimously agreed to.

On motion of Mr. SHORTER, of Georgia, the letters of Mr. Ronaldson and Mr. Sarchet, and the proceedings of the meeting in Lauderdale County, Alabama, were referred to the Permanent Committee.

Mr. SEDGWICK, of Massachusetts, offered the following resolution :

Resolved, That the thanks of this Convention be presented to the PRESIDENT, for the ability, fidelity, and impartiality, with which he has executed the duties imposed upon him by the Convention.

The PRESIDENT having called Mr. BASSETT to the Chair, retired from his seat, and the question having been put by the Chairman, the resolution was unanimously agreed to.

After the PRESIDENT had resumed the Chair,

Mr. BROCKENBROUGH, of Virginia, offered the following resolutions:

Resolved, That a unanimous vote of thanks be presented to the citizens of Philadelphia, for the kindness and hospitality with which they have treated the members of this Convention.

Resolved, That a unanimous vote of thanks be presented to Mr. CONDY RAGUET, for the ability, zeal, and fidelity, with which he has executed the duties of Secretary ; and that, for his exertions in the cause of Free Trade, the members of this Convention consider themselves pledged to recommend his paper, "THE BANNER OF THE CONSTITUTION," to the patronage of the citizens of their respective States.

Which resolutions were agreed to ; and there being no further business before the Convention, it was moved to adjourn.

The PRESIDENT then rose and delivered an Address to the Convention, after which he declared that body to be adjourned, *sine die*.

(A true copy of the original.)

CONDY RAGUET, *Secretary*.

ADDRESS

TO THE

PEOPLE OF THE UNITED STATES.

A portion of your fellow-citizens, resident in different States of the Union, who are numerous, respectable, and intelligent, who, like yourselves, are attached to the principles of free government, and ardently devoted to the great Constitutional Charter which consecrates and upholds them—who ask only an equal participation in the benefits, and are ready to bear an equal share of the burdens of the Government—who are willing, moreover, to concede to others a perfect right to the full enjoyment of whatever they ask for themselves—such a portion of your fellow-citizens, whose condition, character, motives, and views, are thus faithfully delineated, have deputed us to represent them, on an occasion deeply interesting to their feelings as men, and vitally important to their interests as citizens of this great confederated Republic. They have called upon us to unite our counsels for the redress of the grievances under which they labor, and have enjoined it upon us, as a duty, to omit no means for the accomplishment of this object, which may consist with our obligations as citizens, and with their own faithful and ardent devotion to the bond of our common Union. In the performance of a duty like this, we cannot be insensible to the propriety of a frank and respectful communication with our fellow-citizens at large. We are members of the same great political family. Our interests are common, and so also are our duties; and it cannot be that any portion of our brethren can desire to withhold from us our just share of the benefits, or to subject us to an undue proportion of the burdens which flow from the Government under which we live. We have equal confidence in their justice and intelligence, and assure ourselves that it is only necessary to bring home to their understandings the conviction of the evils under which we suffer, to secure their cordial co-operation in prompt and effectual measures for their removal. We would commune with you, then, in the spirit of these feelings. We must speak with frankness. It may be, that our language will borrow strength from the conviction of our wrongs; but we will not forget the just respect which is due to those who differ from us in opinion, and cannot be unmindful of the affection which we bear, and which we earnestly desire to cherish, towards our brethren throughout the Union.

The representatives of portions of our fellow-citizens, belonging to fifteen different States of this Confederacy, have assembled in the city of Philadelphia, to consider the grievances which they suffer under the existing Tariff of duties, and to devise, if happily they may do so, some constitutional and peaceful mode of redress. Speaking generally, they have come together as strangers to each other, with all the variety of opinions, on most subjects, which springs from different habits and

pursuits, and is, perhaps, inevitably incident to the imperfection of our common nature. On one engrossing question—that which constitutes the subject of this Address—looking as well to its principles as its details, they have found a concurrence of opinion, which, as they believe, entitles them to ask for that opinion, and, for the reasons on which it is founded, the attentive and dispassionate consideration of the American people.

Among the evils which flow from the Tariff system, as at present established by law, the ardent and determined opposition to that system, which exists in various parts of the Union—the deep and settled discontent which is felt, and has been manifested by a numerous, patriotic, and intelligent portion of our fellow-citizens—cannot fail to awaken the liveliest solicitude of every lover of his country. Let it be remembered that this is no transient feeling, the offspring of momentary excitement—one which may be expected to pass away under the influence of a more calm and dispassionate reflection—No: The system of which we complain, is not of recent origin, and the feeling of discontent, which was coeval with its institution, time and experience have only served to strengthen and increase. Let those who sincerely desire to perpetuate the political blessings which we enjoy, look to this consideration with the attention which it demands. This is emphatically a government of opinion. The vigor of the laws is a moral force. The bonds which unite us are the sense of our common interest—the conviction of our equal rights—the assurance of our capacity to assert, and the feeling that we actually enjoy them. Take from any considerable portion of the American people the consciousness that they are in the full possession of their rights as freemen—substitute for it the spirit of discontent, which springs from the conviction of wrongs inflicted, not inadvertently, but with deliberation, which are not temporary, but enduring—and you array against the Government a force which is of like character with that which sustains it—you awaken a feeling of resentment, which is goaded into activity by a sense of oppression, and embittered by the recollection that it is the hand of a brother which inflicts it. Such is the feeling which pervades a numerous and respectable portion of the American people. It cannot be defied, and may not be disregarded, without putting to hazard the safety of the Confederacy.

Do you doubt its existence, its nature, or degree? Look to the character of this assembly—to the circumstances under which it is convened. Give your attention to the history of the past, and be admonished of the novel and extraordinary spectacle which is presented to your view. Do not close your eyes to the fact, that this assembly is altogether without parallel since the foundation of the Government—that we are freemen, and the representatives of freemen, who speak to you of our violated rights—that we have come from different, and distant parts of the Union, to join in demanding their restoration—that a consciousness of strength is the offspring of united counsels—and that our purpose is not the less firm, because it is announced to you peacefully, and in the spirit of conciliation.

A numerous and respectable portion of the American people, do not merely complain that this system is unjust, but they question the right

to establish it. They do not doubt—they utterly deny—the constitutional power of Congress to enact it. In justice to them, we invite your candid attention to a brief consideration of their views on this subject. The constitutional validity or invalidity of an Act of Congress, does not necessarily depend upon the question, whether the Judicial Department of the Government would affirm the one or the other of these propositions. It may be that an act will, in its operation and effect, be subversive of the principles of the Constitution, and yet, on its face, be superior to all just exception on that ground. Literally, and in terms, it may be in execution of an expressly granted power—in its operation and effect, it may not only transcend that power, but may directly contravene it. Under the pretence of supplying a revenue, Congress may raise money beyond the purposes to which it can be legitimately applied, or may increase the duties to an amount which will be prohibitory of importation, and, consequently, destructive of all revenue to be derived from that source. Still, such an act would purport to be in the execution of the power to lay and collect taxes; and Courts of Justice, judging of it by its terms, and by what is apparent on its face, would not affirm its invalidity. But the Constitution is equally obligatory on every department of the Government—on the legislator who enacts, as well as on the judge who interprets a law. If the former shall so veil his unlawful purpose as to defend it from the scrutiny of the latter, is it less a violation of *his* constitutional obligations? If it be such a violation, can it be constitutionally valid?

If, instead of the absence of any express grant of power to protect manufactures, the Constitution had contained an express clause of inhibition, an Act of Congress imposing duties beyond the purposes of revenue, and thereby operating as a bounty to the manufacturer, would, they insist, be admitted to be in violation of the Constitution, and yet the repugnance would not be manifest upon its face, and would, therefore, elude the judicial power.

A numerous and intelligent portion of the American people believe that this view is applicable to the Tariff of 1828. They admit the power of Congress to lay and collect such duties as they may deem necessary for the purposes of revenue, and, within these limits, so to arrange those duties as incidentally, and to that extent, to give protection to the manufacturer. They deny the right to convert what they denominate the incidental, into the principal power, and, transcending the limits of revenue, to impose an additional duty, substantively and exclusively for the purpose of affording that protection. They admit that Congress may countervail the regulations of a foreign Power, which may be hostile to our commerce, but they deny their authority permanently to prohibit all importation, for the purpose of securing the home market exclusively to the domestic manufacturer, thereby destroying the commerce they were entrusted to regulate, and fostering an interest with which they have no constitutional power to interfere. That portion of our fellow-citizens of whom we speak, do not, therefore, hesitate to affirm, that if the right to enact the Tariff Law of 1828, be referred to the authority to lay and collect duties, &c., it is a palpable abuse of

the taxing power, which was conferred for the purpose of revenue: if to the authority to regulate commerce, it is as obvious a perversion of that power, since it may be extended to an utter annihilation of the objects which it was intended to protect. Waving, however, this discussion, we concur in the opinion, that if the aggrieved party is deprived of the protection which the Judicial Department might otherwise afford, it would strengthen his appeal to the American people, to unite with him in correcting the evil, by peaceable and constitutional means.

But there is a view of this subject, which may claim the concurrence of all those who are prepared to admit that the Tariff is unequal in its operation, oppressive, and unjust. The Constitution of the United States had its origin in a spirit of compromise. Its object is the security of those rights which are committed to its protection—its principle, that of an equal participation in the benefits and in the burdens of the Government. A system of taxation, which is unequal in its operation, which oppresses the many for the benefit of the few, is, therefore, unjust, not merely with reference to the great and immutable principles of right, which are applicable to human conduct, but is, moreover, in direct collision with that constitutional equality of right, which this instrument was thus confessedly intended to secure. A distinguished jurist, of Massachusetts, one who is advantageously known as such to the people of the Union, has said, of the system of which we complain, that it is calculated “to destroy many of the great objects for which the Constitution of the United States was originally framed and adopted.” Who will affirm that such a system can consist with the spirit of the Constitution? Its enactments may be so veiled as to elude the judicial power, and may, therefore, be obligatory upon the other departments of the Government: But, as between constituent and agent, between the people and their rulers, the charter will, in such case, have been violated, and it will belong to them to correct the evil. Why should we fear to enunciate this principle? Is it because of the danger of those interests which have grown up under the system? A just consideration of the subject will lead to a directly opposite result. If it be conceded that the system is oppressive, unequal, and unjust, can those who profit by it deceive themselves with the expectation of its permanency? Is it prudent to close their eyes to the consequences to which, sooner or later, this conviction must inevitably lead? Distinguished as this system is, by every characteristic which may define a tyranny the most odious, why should we, who are its victims, not stand upon our chartered rights?

As men and brethren, we appeal to you, then, to unite your efforts with ours, in the correction of this abuse. A system, which is unequal in its operation, and, therefore unjust—which is oppressive, because it burdens the many for the benefit of the few—grossly, fatally unwise and impolitic, since it is subversive of the harmony of the Union—which is in violation of the principles of free government, and utterly at variance with the spirit of justice and mutual concession, in which the Constitution was conceived and adopted—such a system, if persevered in, must alienate our affections from each other, engender discontents and animosities, and lead, inevitably, and with a force which no human

power can resist, to the most awful of all calamities. We intreat those who differ from us, seriously to ponder this view of the subject. We intreat them not to misunderstand us. We cannot be deterred from the discharge of our duties to ourselves, and our common country, by the menace of consequences, and we are equally incapable of using its language to others. It is as men and brothers, in the spirit of an affection which is still warm and undiminished, that we would call their attention to those inevitable results, which neither they nor we will have the power to avert.

Examine the subject for a moment, in its connection with the principles of an enlightened political economy, and see if the considerations which are urged to sustain this system, are not fallacious and delusive. The view must be necessarily brief—consisting of hints and suggestions rather than of an extended argument, or of minute detail—but our object will be attained, if these may serve to awaken a spirit of dispassionate inquiry.

We are the advocates of Free Trade. The argument which sustains it rests upon a proposition which may not be denied. It is the unquestionable right of every individual to apply his labor and capital in the mode which he may conceive best calculated to promote his own interest. It is the interest of the public that he should so apply it. He understands better than it can be understood by the Government, what will conduce to his own benefit; and, since the majority of individuals will, if properly protected, be disposed to follow their interests, such an application of their industry and capital must produce, in the result, the greatest amount of public good. Let it be remembered that the question relates exclusively to the *application* of capital. It cannot be *generated* by an act of legislation. The power of the Government is limited to its *transfer* from one employment to another. It takes from some less favored interest, what it bestows on the one which it professes to protect. It is equally untrue that such a system gives greater employment to labor. Its operation is confined to the simple change of its application. Laws which protect by bounty any peculiar species of labor, cannot be said to encourage *American* industry—that is, directed to various objects. These laws favor only a single class; and, since the bounty is not supplied by the Government, but taken from the pocket of the individual, the protection which is given to one species of labor, is so given at the expense of every other. That course of legislation which leaves American capital and labor to the unfettered discretion of those who possess the one and apply the other, can alone be denominated the “American System.”

The interference of Government with the right of the individual to apply his labor and capital in such mode as he may think most conducive to his own interest, thus necessarily operates to diminish the aggregate amount of production: In other words, the amount of the necessities and conveniences of life, which are enjoyed by the community, is necessarily diminished. If all nations, then, were willing to adopt the system of Free Trade, for which we contend, which is accordant to the spirit of Christianity, and calculated to unite nations in harmony and peace, it cannot be doubted that the interest of each

would be promoted. The only question which can be raised on this part of the subject, is, whether the adoption of a restrictive policy, by one or more nations, makes it the interest of others to reciprocate those restrictions. The answer seems to be sufficiently obvious and satisfactory. The proposition which asserts the superior advantages of a Free Trade among all nations, rests upon the following principle: The universal freedom of action which it allows, tends most thoroughly to develop the moral and physical energies of each nation, and to apply them to those objects to which they are best adapted. The proposition must be equally true in relation to each nation, whatever may be the policy adopted by others. The nation which resorts to a restrictive policy, legislates to her own disadvantage, by interfering with the natural and most profitable employment of capital. To the extent to which she thus excludes another nation from an accustomed, or from a desirable market, she occasions, it is true, in that nation, also, a displacement of capital from its natural channels. But can the remedy consist in a retaliatory system of legislation? in a system of further restrictions imposed by the latter nation? If it be true, that a restrictive system is injurious to the nation imposing it, does it cease to be so, in regard to the latter nation, because of the wrong done by the former, and because it is also injurious to such nation? When we apply these views to the Corn Laws of Great Britain, considered with reference to their effect upon us, is it not, then, obvious, that a system of pretended retaliation, which enfetters the productive energies of our own people, whatever may be its effect upon that nation, must necessarily increase the evils we ourselves are destined to sustain?

It is strongly urged, as a motive to the continuance of the existing Tariff, that its operation has been to effect a reduction of prices. These have, in fact, fallen since 1816, and our opponents contend that this has been the result of domestic competition. A moment's reflection will demonstrate the fallacy of this assertion. We present a single fact in the outset. The diminution of price has been *general*—as well in relation to articles which are *not* protected by the existing Tariff of duties—as to those which are. It cannot, therefore, have arisen from this cause. Let us remember now, that this diminution of price has occurred every where—abroad as well as at home—and not only in an equal, but, as a necessary consequence of the Tariff, in a greater degree there than here. Among the causes which have produced this result, two prominent ones are presented to your consideration—the diminished amount of the circulating medium of the world, and the astonishing improvements which have been introduced in the modes of production. The cost of production is less—the comparative value of money has become greater. Can we wonder at the result? Take the case of cotton goods—these have fallen in price here since the enactment of the Tariff. But the same thing is true, not only in an equal, but in a greater degree, abroad—and the reason is obvious. The causes which have produced this result—those which have been before stated, have elsewhere been left to exert their full influence in effecting the reduction of price. Here their operation has been restrained by the conflicting influence of the Tariff. The reduction, therefore, with us,

has necessarily stopped at a point, which is ascertained by adding the amount of duty to the price of the imported article. Thus the diminution of price here has not been produced by the Tariff, but in despite of it—and has been retarded by it. But for this law, the imported, which would take the place of the domestic article in the consumption of the country, would be obtained at a price greatly below that which we actually pay, and the difference, amounting yearly to many millions of dollars, would be saved to the community. It cannot be doubted that the prices of all commodities, the domestic production of which is *forced by the imposition of a duty on a foreign article* of a similar description, are raised by the amount of duty necessary to effect the exclusion of the foreign article, or that this increase of price is paid by the consumer, and that the loss to the nation, which is occasioned by this system of protection, is nearly equal to such difference of price.

The success which has attended the manufacture of cottons, is used to illustrate and enforce another suggestion in favor of the Tariff. It is said that, by means of the protection afforded by Government, manufacturers are enabled to overcome the difficulties incident to new enterprizes, and that this protection is ultimately repaid to the community in the reduced price at which the article is furnished. We have already shown that this reduction in price, in the case referred to, has not resulted from the Protective System. Let us look, however, at this suggestion, apart from that consideration. If it be conceded, for the purpose of the argument, and only for that purpose, that a manufacture might be established by a temporary encouragement from Government, which would not otherwise, at least at that time, come into successful operation, and that the community might ultimately be repaid in the manner which is supposed, the following considerations seem decisively to repel the force of that suggestion: The idea of permanent protection is excluded by the nature of the proposition. That which is proposed, is temporary merely, and the question whether it is to be ultimately repaid to the community, is, of course, made to depend on the successful operation of the protected establishment. It is Congress who are to determine in advance, upon the propriety of putting at hazard the interests of the community, by the forced establishment of the proposed manufacture. The question to be determined, depends upon the calculation of probabilities, to the correct estimate of which, much information is obviously indispensable. Constituted as that body is, it is difficult to conceive of one less fitted for such reference. On the other hand, there is always enough of individual enterprize, intelligence, and capital, to test any experiment which gives a fair promise of ultimate remuneration, notwithstanding it may be subject to temporary loss. Left to individual enterprize, the question would be decided by those who have every motive, and every means, to come to a just conclusion—while the proposed suggestion would throw upon Congress those visionary projectors, who, having failed to obtain the support of discreet and intelligent capitalists, would play the sure game of securing profit, if, by the rarest accident, profit should arise, and of throwing the loss upon the community, if loss should ensue.

It is said that a dependence upon other nations, for those manufactures which are essential to our wants, is inconsistent with our character as a nation; and, in this view, that the Tariff is essential to National Independence. To us the term seems to be strangely misapplied. It is agreed, that a system of Free Trade among all the nations of the world, by securing the application of the highest energies of each, to those objects which it was best qualified to produce, would enlarge the amount of production, and increase the sum of human comfort. But such a state of things would, according to the argument which is urged, be a state of universal dependence, and precisely the same consequence would follow, in relation to the commercial intercourse of any given nation with the other nations of the world, to the extent of that intercourse, whether a system of Free Trade or of partial restrictions should prevail. That intercourse consists in the mutual interchange of commodities, and it is impossible to conceive the idea of a dependence on the one side, without recognizing the fact of a corresponding dependence on the other. But such a state of mutual dependence, is a source of gratulation rather than of regret, since it gives to each nation an increased facility for the development of its highest energies, enlarges the sum of its enjoyments, and affords the surest guarantee for the peace and harmony of the world.

If the suggestion be urged, in its application to the necessities of the country during a state of war, an equally satisfactory answer may be given. It is unquestionably the duty of every government to be prepared for those conflicts with other nations, which it is not always possible to avoid: but this is most effectually done by the unrestricted exertion of its peaceful energies. In a Government constituted as ours is, and separated as it is by the Atlantic from the nations of the old world, it is reasonable to presume that such conflicts will be rare. The intervals of peace will probably be of much the longest duration, and our system of permanent policy should, therefore, be regulated chiefly with a view to this state of our national existence. But the decisive answer to this suggestion is, that money constitutes the sinews of war, and that its exigencies are best provided for, by enriching the nation in time of peace. A system of Free Trade will mainly conduce to this object. The resources which it will furnish, will secure the services of the neutral trader, and these, with our own internal manufactures, which are already independent of legislative protection, will amply supply our wants in such an emergency.

It is one, and not the least of the evils of the system which we deprecate, that it has a tendency to demoralize our citizens, to habituate them to evasions of the laws, and to encourage the odious and detestable practice of smuggling. It is the effect of the protecting duty, to raise the price of commodities considerably above that at which they could be imported at a moderate revenue duty. Unless this is so, it fails to accomplish its destined object, and is entirely useless. The inevitable consequence is, the temptation to clandestine importation; and the facilities which are afforded by our widely extended inland and ocean frontier, give impunity to the smuggler.

On the several interests of agriculture, navigation, commerce, the

mechanic arts, and even on manufactures themselves, this system operates with an injurious influence. Speaking with reference to that portion of agriculture which is employed in the production of articles which must be exported to a foreign market, it is obvious that any considerable diminution of commercial capital, by its transfer to other employments, must have a tendency to diminish their price. It is in the Southern portion of the Union that this will be most extensively felt. The domestic market will consume a portion of its great staple, which is comparatively small, and the immense residue will seek in vain for a foreign market, if the manufactures of other nations are, in effect, and permanently, excluded from our ports. This state of things may not at once occur. The necessity of having a supply of the raw material for the employment of her manufactures, may induce our great customer to submit, for a time, to a system of purchase instead of exchange; but she will be urged, by the strongest considerations, to seek that supply from those who will receive her manufactures in return. If this system be rendered permanent, and pushed to the prohibitory extent to which it seems inevitably to tend, the fate of the cotton-planter is, therefore, irrevocably sealed. Nor is he alone affected by this system of protection. The farmer of the Middle States will feel its influence in the increase of the price of labor, as well as of every article which he buys; and if those in the manufacturing districts should find an improved market for the produce of their farms, the consideration just stated will operate to diminish their profits—and the benefits which they enjoy, from the increased investment of capital in their vicinity, will be purchased at the expense of those interests from which that capital has been transferred.

When we direct our attention to the influence of the Protecting System on the navigation of the country, we might give the subject a peculiar interest, by dwelling on the fact, that a ship is the proudest and most successful of our manufactures. From an early period of our history, down to the present hour, we have been conspicuous for our skill in ship-building. Adverting to it as an art, we have, by the elegance of our models, and the minuteness of our finish, raised it from a mechanical, to one of the fine arts. We have applied the principles of a correct taste to naval architecture, and have, therefore, produced the same masterly result in this, as the application of the same principles had produced in the other arts. We might, then, with perfect fairness and propriety, press the inconsistency of that policy which seeks the prosperity of manufactures, by loading with burdens that branch of them which has flourished with but little aid, and is necessarily subject to exclusion, from the jealousy of foreign nations. We might connect this topic with our Navy, and our naval glory, and thus enlist in our behalf the sensibilities of patriotism. But we waive these advantages, and, without entering into details, content ourselves with adverting to the positive discouragements to ship-building, occasioned by the Tariff of 1828. By that Tariff, iron, hemp, duck, and cordage, are subjected to duties which would be, in effect, prohibitory, if these articles were not of the first necessity, and their importation indispensable. The quantity of these articles which enter into the construction of a ship, with the la-

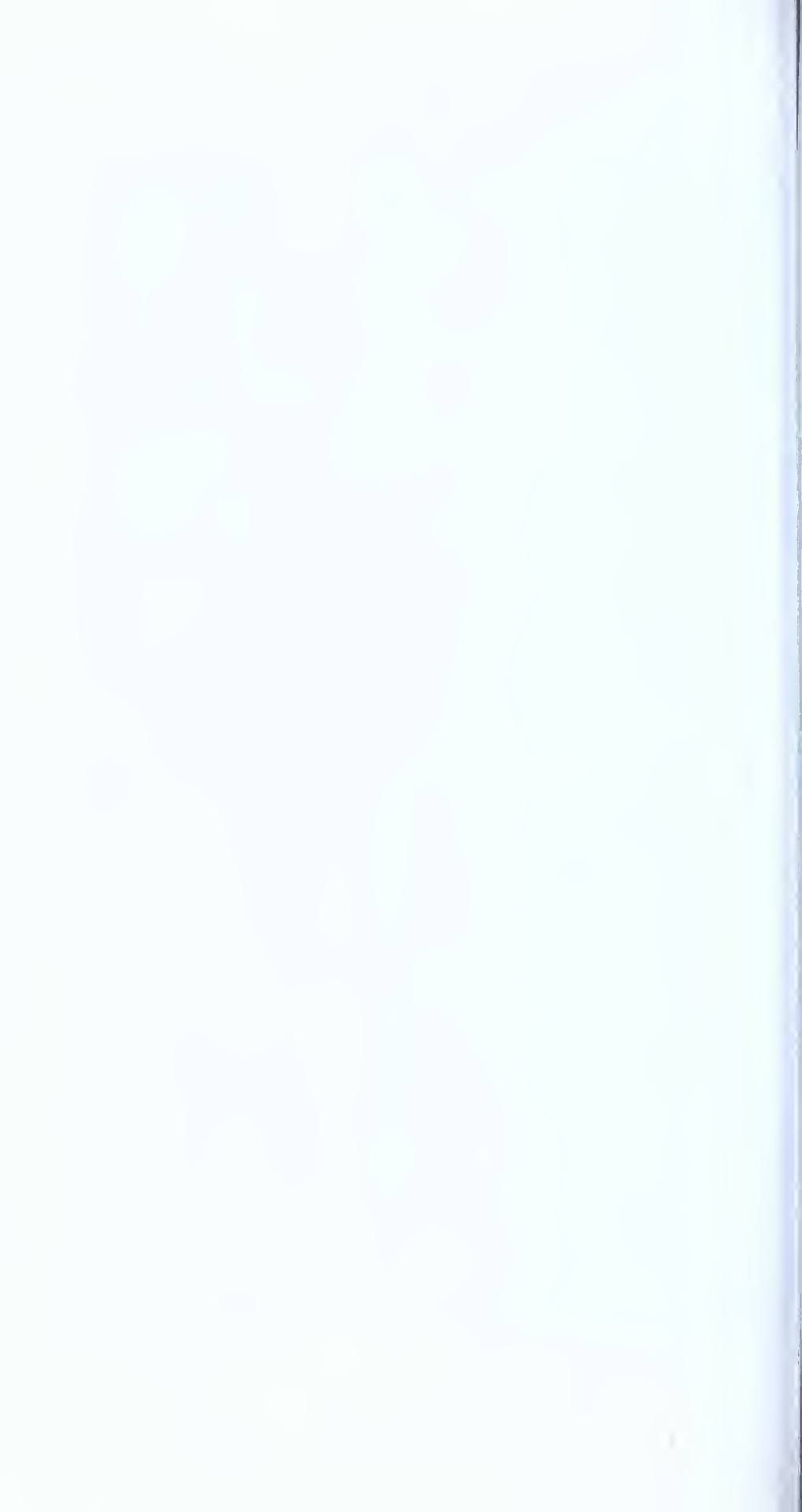
bor bestowed on them, constitute one-half of its value, and the duties upon them, impose upon a new ship of five hundred tons, a dry, direct tax, little short of two thousand dollars, which is paid in advance. We say, a *dry*, direct tax, for it is not, as in cases of consumable articles, repaid by the consumer. Neither is it repaid by the freighter, for the rate of freight depends on foreign competition, and the foreign ship, cheap, because unburdened, settles the price.

The effects of the Protective System upon commerce in general, can only be satisfactorily illustrated by details. It is an important task, and will be faithfully performed by those to whom it is confided. The diminution of imports—a total want or partial scarcity of some articles—an increase of price to the consumer—a depression of the mercantile spirit, which, under different circumstances, would be animated to new enterprizes, and the consequent check to our attainment to that height of prosperity to which the freedom of our institutions guides us—these are results which cannot be denied. That actual misery is not felt in a young and free country, where almost every citizen is, or easily can be, a proprietor, is not an argument to deter us from the removal of those obstructions to that assured and unexampled ease and comfort of condition, to which the American citizen aspires, and is entitled. If to the easy acquisition of good, cheap land, he can likewise add, not only the necessaries, but also the blameless luxuries of life, why should he be churlishly prevented by a sordid and monopolizing system, which finds enjoyment in restriction, and profusion in prohibition?

Every class of manufactures, which is not the object of the bounty of this system, as well as the mechanic arts generally, are injuriously affected by its operation—nay, even those manufacturers who experience this protection, are themselves interested in the removal of these restrictions—the enormity of the profits, in many instances, combined with the uncertainty of the continuance of the system, give to this employment the character of a gambling speculation, rather than that of a regular pursuit of industry. The high rate of profits would occasion a rush of capital from other pursuits, and competition would speedily reduce them to the general level, if the precarious tenure by which they are held, did not restrain the movement—such of them as are adapted to the circumstances of the country, and conducted with the requisite skill and industry—would continue to flourish, although legislative protection were withdrawn. They would still give a fair return for the capital and labor which they employ. The rate of profits would, indeed, be less, but they would be certain, or liable only to those changes which are common to the whole productive industry of the country. It is with this view of the subject, that the best informed and most intelligent among the manufacturers themselves, cannot resist the conviction that the abandonment of the Protecting System, and a return to moderate duties, would be best calculated to promote the steady growth, and the safe and permanent establishment of American manufactures.

There is a remaining suggestion which we desire to present to your consideration—the National Debt—which has annually absorbed from ten to twelve millions of revenue, is rapidly diminishing, and will speedily be extinguished. On the first day of January, 1833, the available

funds of the Government will be adequate to its discharge. The existing Tariff of duties will produce thereafter an immense annual revenue, beyond the ordinary wants of the Government, and the task of providing a system of measures, which shall be adapted to this new and interesting condition of the fiscal concerns of the nation, will then devolve upon the next Congress. How propitious the moment for the establishment of the principles of Free Trade! An enterprizing and intelligent people, possessing, in abundance, the sources of national wealth, and perfectly unincumbered by debt, may add to their claims upon the gratitude of the world, for having successfully asserted the principles of *free government*, by being the first also to proclaim the principles of a *free and unrestricted commerce*—that genuine "*American System*," which will remove from our borders every vestige of discontent, will give new value to the freedom which was wrested from the grasp of oppression by the valor of our ancestors, and perpetuate those institutions which are destined, by the blessing of God, to secure the happiness of unborn millions.



A SKETCH

OF THE

DEBATES IN THE CONVENTION.

ADVERTISEMENT.

The duty of the Printing Committee of the Pennsylvania Delegation, ended with the publication of the Journal of the Convention, and of the Address to the People of the United States. For the rest of the pamphlet, the reporter is responsible.

The report made for the Philadelphia Gazette, and re-published in the Banner of the Constitution, is the basis of the Sketch of the Debates, here offered. It has been corrected, in regard to the motions, by a comparison with the Official Journal of the Convention. Some additional particulars have been introduced from the reports made for the New York Standard, the Philadelphia Inquirer, and the United States Gazette.

☞ We are requested to state, that a copy of this Pamphlet is intended to be sent by the Philadelphia Delegation, to every Delegate who took his seat in the Convention, and whose address can be ascertained.

A SKETCH OF THE DEBATES, &c.

FIRST DAY.

FRIDAY, SEPTEMBER 30th, 1831.

THE members of the Convention began to assemble at an early hour, at the Musical Fund Hall, and were engaged in conversation until twelve o'clock. The meeting was then called to order by Mr. EVANS, the Chairman of the Pennsylvania Delegation; and the Hon. BURWELL BASSETT, of Virginia, was, by a unanimous vote, appointed Chairman.

Mr. THEODORE SEDGWICK, of Massachusetts, then moved that the Delegation from each State appoint two of their number a committee to nominate a President and other officers, to be afterwards balloted for by the Convention.

Dr. TIDYMAN, of South Carolina, moved to amend the motion, by inserting the words "that the Convention do now proceed to elect a President."

Gov. MILLER, of South Carolina, expressed a wish to have the question, whether the different Delegations were to vote on federative principles or *per capita*, decided at an early period, as the principle was very important.

Dr. TIDYMAN was of opinion, that it would be best to elect a President in the usual way. The mode proposed by Mr. SEDGWICK would cause great loss of time.

Mr. POINDEXTER, of Mississippi, thought Dr. TIDYMAN's amendment involved a proposition to strike out all the essential parts of Mr. SEDGWICK's resolution, and called for a division of the question.*

Col. PRESTON, of South Carolina, was of opinion that the meeting was proceeding irregularly in considering propositions of this nature, before a Secretary was appointed, or it was ascertained who were entitled to seats in the Convention. He therefore suggested, that the resolution and the amendment should lie on the table for the present, and that the meeting should proceed to organize itself further, by appointing a Secretary, and verifying the election of members; till this were done, it would be impossible to tell who were Delegates and who were not.

Col. PRESTON's suggestion was acted upon, and Mr. RAGUET, of Philadelphia, was requested by the President to act as Secretary.

Mr. RAGUET, on taking his place as Secretary, said there was no authoritative list of Delegates, for returns from all places where elections had been held had not been received in Philadelphia, and changes had taken place in some Delegations after the accounts of the elections had been published. He would, therefore, for want of an authentic roll, be obliged to read a list which had appeared in two of the Philadelphia papers, and he would be obliged to gentlemen whose names were not in the printed list, if they would give in their names as he proceeded.

Judge BARBOUR, of Virginia, suggested that the States should be called in the order observed in Congress, beginning at Maine and proceeding southward; and that, as the name of each State was called, the Delegates from that State should step forward to the Secretary's table, and give in their names.

Other gentlemen thought it would be better to read from the book in which the Delegates had inscribed their names on their arrival in the city.

After some further conversation, it was agreed, that the Secretary should read the printed list, and that the gentlemen present should supply its deficiencies as he proceeded.

While the Secretary was reading the list, a number of gentlemen stepped forward

* Of these motions of Mr. SEDGWICK, Dr. TIDYMAN, and Mr. POINDEXTER, when first made, no notice appears in the Journal, they being regarded as *informal*, inasmuch as they were made before a Secretary had been appointed.

to his table, with testimonials of their election; and when he had finished, it appeared that there were one hundred and fifty-one Delegates present, from thirteen different States, viz: Maine, Massachusetts, New York, New Jersey, Pennsylvania, Maryland, Virginia, North Carolina, South Carolina, Georgia, Alabama, Mississippi, and Tennessee.

When the names of the gentlemen chosen to represent Mississippi were called, Mr. POINDEXTER rose, and stated, that he had only newspaper evidence of his election, and wished to know if the Convention would receive him on that evidence. There was some delicacy in his taking or in his declining to take a seat in this highly respectable body. He belonged to another body, before which the subject they were assembled to discuss, would come in an official form. But, as it would be extremely inconvenient to the people of Mississippi to send other Delegates, a distance of a thousand miles to Philadelphia, he would, if no objection were made, feel himself almost bound to express the sentiments of his State, on a question in which it was so deeply interested. His object was to express the sentiments of the people of Mississippi, less by speaking than by a silent vote.

The President said, that all the gentlemen there would, he presumed, be looked upon as regularly appointed, unless some objection were made on good and sufficient grounds: and the Convention being unanimous in its wish that Mr. POINDEXTER should act as a Delegate from Mississippi, he took his seat accordingly.

After the meeting was thus organized, the resolution that had been offered by Mr. SEDGWICK, was brought forward in regular form.

Governor MILLER, of South Carolina, supported it, in a short address. He thought it very important to decide whether the Convention was to vote *per capita*, or on federative principles; at least it was desirable that, in the first step towards the election of a President of the Convention, those States from which the Delegates were not numerous, should be allowed a better opportunity for expressing their sentiments, than would be afforded by proceeding immediately to the election of a President, and voting *per capita*.

Judge JOHNSTON, of South Carolina, thought it would be very injudicious to vote on federative principles. The Delegations from different States were not in proportion to the population of the States. While some States had many Representatives in this assembly, others had but few. The operation of the resolution would, therefore, be very unequal; and it would cause great delay.

Dr. TIDYMAN moved to amend Mr. SEDGWICK's resolution, so that it should read, "*Resolved*, That the Convention do now proceed to the election of a President."

Mr. POINDEXTER called for a division of the question.

After further conversation, the question on striking out so much of Mr. SEDGWICK's resolution, as followed the word "*Resolved*," was put by the President, and decided in the negative, the yeas being 60, and the nays 67.

The question then recurring on the original resolution,

Judge JOHNSTON said it was *impracticable*; for, as from at least *one* of the States, but *one* Delegate was present, it would be impossible to form a Committee of *two* for each State represented in the Convention.

Judge SHORTER, of Georgia, opposed the resolution, as calculated to cause delay and create irritation. The sentiments of the Convention could, he thought, be collected in a fairer way, by a vote of the members generally, than through the medium of a Committee. There had been much irregularity in the election of members. Some had been chosen as representatives of whole States, and others as representatives of parts of States. If the federative principle should be adopted, differences might arise among the members as to the extent of their powers; those who had been sent as representatives of States, might think themselves entitled to more power than those who had been sent as representatives of smaller districts. The representation in the Convention was not in proportion to the population of the different States. Some States had many Delegates, some but few. It was impossible to carry the resolution into effect. Two gentlemen might be appointed on the Committee, from many States, but from Mississippi, only one was present, and where was the other to be found? He regarded the resolution as giving to a Committee the privilege of choosing a President, and he thought the Convention much better qualified to select its chief officer. The mode suggested by Mr. SEDGWICK might produce excitement, and lead to confusion; particularly if the individual selected should not be agreeable to the majority. These were objections which could not be surmounted. There would be no confusion, if the Convention should proceed to elect a President in the usual way.

Col. SEABORN JONES, of Georgia, took a view of the subject similar to that entertained by Judge JOHNSTON, and Judge SHORTER. The terms of the resolution were such that, in point of fact, there would, he thought, be no election by the Convention. The Committee were to nominate, and the Convention were to go into a ballot on that nomination, and must elect those who should be nominated, or excite feelings, which he, for one, should be very unwilling to see excited. There would be considerable delicacy in rejecting the nomination, and paying, at the same time, the respect due to the feelings of the Committee. Feelings of this kind might induce members not to scrutinize deeply the qualifications and character of the gentleman who might be nominated, or, perhaps, to surrender their own judgment, from deference to the Committee.

Col. BIDDLE, of Pennsylvania, moved to reconsider the vote against striking out so much of Mr. SEDGWICK's resolution as followed the word "Resolved."

Governor MILLER, of South Carolina, to obviate an objection made by Judge JOHNSTON, and others, made a motion, with the approbation of Mr. SEDGWICK, so to modify the resolution, as to make the Committee of Nomination consist of *one* Delegate from each State.

Judge JOHNSTON thought this did not lessen the force of the main objections to the resolution. The Delegations from some States were so small, that the mode of nomination proposed, might afford individuals an opportunity to promote personal objects, and there should be *no* personal objects in this Convention.

Governor MILLER said his great desire was, that those States which had a minority of members in the Convention, should have the same opportunity of expressing their sentiments as the States which had a majority. Carolinians well knew how difficult it was in another body, to obtain suitable regard for the rights of the minority. They had felt the oppression of numbers. In this Convention Carolina found herself, for the first time for a long period, in the majority; and he hoped the gentlemen from the State he had the honor to represent in part, would regard the wishes and feelings of the States having less numerous Delegations.

Judge SHORTER said, the adoption of the resolution would increase the weight of the Delegation to which he had the honor to belong. Of eighteen members elected for Georgia, only six had yet appeared. But he was opposed to the resolution, on general grounds—on account of the inequality with which it would operate, and the dissatisfaction it would produce.

Dr. TIDYMAN said, his object in wishing to proceed immediately to the election of a President, was to facilitate business. Some of the gentlemen had travelled a thousand miles, or more, to Philadelphia, and time, to them, was precious.

Mr. SEDGWICK, in replying to the remark, that the adoption of the resolution might produce excitement, said, he knew of no excitement—there could be no excitement. The high and noble object for which the Convention had assembled, forbade the supposition. Gentlemen seemed to have got into some difficulty in regard to the meaning of the resolution now before them. Part of its design was, to meet the difficulties occasioned by the unequal representation of different States—part of it to enable the members to become acquainted with each other's wishes. Here were one hundred and fifty gentlemen, entire strangers to one another. Nothing was more natural than that they should assemble in small groups to learn each other's views, and having so learnt them, place them before the Convention, in the form of a nomination. There would be nothing obligatory in the nomination. If it should not be acceptable to the majority, there would be no inconsistency in the Convention's rejecting it. A nomination was not an election. Some seemed to apprehend that courtesy might induce members not to scrutinize too deeply the talents and views of the officers who might be nominated, or induce them to withhold objections they might have to the parties nominated. But no such objections need exist. He, for one, should not be pertinacious. If the person nominated should not be chosen by the Convention, he doubted not some person would be, on whom a large majority, if not all, would harmoniously unite, as all had a common object. He was desirous that every thing should be done in the spirit of harmony, and he was persuaded such was the wish of every member. His great wish was, that the Convention should appear to be, what it is in fact—*one and indivisible*—that there should be a perfect unanimity in *all* its proceedings, from the election of a President onward—and, with this object, he had offered the resolution for the appointment of a Committee, as the best means of ascertaining the sentiments of gentlemen from different States.

Col. JONES inquired if the gentleman from Massachusetts had considered the effect

that would follow, if the gentleman who should be nominated by the Committee, should not be elected. He thought that the unanimity sought for, could not be attained in this way. The members had come together in a spirit of friendliness; but it appeared to him that considerable difficulty would arise from the proposed mode of electing officers. A rejection of the parties whom the Committee might recommend, might be interpreted as a want of respect for the feelings of the Committee, and be the means of exciting angry feelings. For his own part, he should have great difficulty in rejecting the gentleman of their recommendation, but still greater, in seeing a person in the Chair whose political conduct and opinions he could not respect. He deprecated voting by States, and recommended going into a ballot at once.

Col. PRESTON said that, whether the voting should be by States, or *per capita*, was an important question, the decision of which might be deferred till the Convention was fully organized. In regard to the chief officer, it was simply desirable that he should be acceptable to the majority. We come here to represent a *principle*—not States. And some members have come to represent different *modifications* of that principle. The instructions the members have received from the meetings by which they have been elected, differ on some points. An imaginary line in a State, may separate these different modifications of the principles of Free Trade. This might be illustrated by a case drawn from Virginia, or another from South Carolina. If the mode of voting by States should be adopted, and the whole Delegation from any State not be of one sentiment in regard to some of these modifications of principle, the minority of that Delegation might feel it had not a fair opportunity of expressing its views. He hoped the most perfect good feeling would prevail. But there would be great delicacy in differing from the Committee of Nomination. To avoid this possible collision, it would be well to elect a President in the usual way.

Gen. PARSONS, of Alabama, said, perfect good feeling *did* prevail in regard to the great object of the Convention, but, if the mode of voting by States were adopted, a minority might control the majority. As the representations from the different States were unequal, it might so happen, if they were to vote on the federative principle, that sixty-five men would have more weight than a hundred. If such should be the result, the good feeling that now prevails would be destroyed.

It was, by a large majority, resolved to re-consider the vote against striking out the essential parts of Mr. SEDGWICK's resolution.

Mr. STEVENS, of New York, rose to state some facts, of which, probably, the Convention had not been informed. None of the Delegates from Connecticut had arrived, but a part of those from the city of New York, none of those from Albany, and none from New Bedford. Some of these would probably arrive in the evening boats. Under these circumstances, he submitted the propriety of deferring the election of a President.

Mr. MILLER, of South Carolina, apologized for again addressing the meeting. He was most anxious that, in a body in which South Carolina was fully represented, due regard should be paid to the rights of the States not fully represented. A thousand people from South Carolina might come here: and if so many had come, we could not have denied their right to sit and vote. But this could not have deprived the minority of their rights. Mr. M. was opposed to every thing like a consolidation of the States. The gentleman from Massachusetts, the Delegation from which is small, asks that, in the *nomination* of a President, his State shall be equal to South Carolina, the Delegation from which is numerous. Can we deny him this right? Some gentlemen had spoken, as if the Convention would be bound to elect whomsoever the Committee might nominate. But the man for whom he would vote, must be one decidedly opposed to the Tariff principle—one who regarded it as unconstitutional—one who was in no way tainted by the American System.

Mr. MITCHELL, of South Carolina, expressed himself as decidedly friendly to the system of voting *per capita*, in the general business of the Convention, and opposed to the system of voting on federative principles, as unequal in its operation, and as likely to produce delay, dissatisfaction, and embarrassment. But he did not regard the Committee from the several Delegations, as intended to appoint a President, but merely to submit to the meeting a list of candidates, from which the Convention were to select the particular candidate they should prefer. If the Committee were authorized to appoint a candidate, it would be absurd for the Convention afterwards to elect the person so appointed. He considered that the whole business of the Committee was, to determine on a list of candidates, from whom the Convention were to elect.

Col. JONES said, the language of the resolution was, "the Committee shall retire and nominate a President and other officers; that the Convention shall thereupon proceed, upon receiving said nomination, to choose *the same*, by ballot." He was desirous of proceeding to elect a President immediately. The members were then as well prepared for that duty, as they could be at any future time. They were then untrammelled by the proceedings of a Committee, and men always act best when untrammelled.

Governor MILLER, with the consent of Mr. SEDGWICK, introduced the words, "said officers," instead of the word "same." This, Mr. SEDGWICK said, expressed the meaning he had intended to convey.

Mr. CHEVES rose, in the hope, (perhaps the vain hope,) of shortening the discussion. The object of the gentleman from Massachusetts must be, either to gain information, to gain time, or to gain power. It seemed impossible that it was to gain information, for the character of all the gentlemen spoken of as candidates, was well known. If it was to gain time, the manner was unparliamentary. It could not be to gain power, for the result would be the same, whatever mode of nomination should be adopted. The true object of the resolution appeared to be, to give the members a longer opportunity to ascertain each other's wishes and sentiments; and to attain that object, in a parliamentary way, he would move that this body should, at twelve o'clock to-morrow, proceed to elect a President.

Mr. SEDGWICK entirely accorded with Mr. CHEVES, and withdrew his motion, for the appointment of a Committee of Nomination. His desire was, that the members might have an opportunity of conferring with one another, that there might be perfect unanimity in their proceedings.

Col. JONES, and others, expressed themselves pleased with Mr. CHEVES' motion.

A part of the Convention were still desirous of proceeding forthwith to the election of a President, as some of the members had come from so great a distance that a long detention in the city would prove very inconvenient to them: but an end was put to further debate by a motion to adjourn.

SECOND DAY.

SATURDAY, OCTOBER 1st, 1831.

In addition to the thirteen States from which Delegates appeared on the first calling of the roll, Rhode Island was this day represented in the Convention.

After the meeting had been called to order, Mr. CHEVES and Dr. TIDYMAN proposed that the Convention should forthwith proceed to elect a President.

Mr. GALLATIN, of New York, said he was not at the meeting yesterday, but he understood that a good deal of difficulty had arisen as to the manner of choosing a President—whether the voting should be by States or by individuals. For his own part, he wished to avoid formality as much as possible, and he thought that the best mode would be simply by nomination, as had been generally customary in meetings of this description. It was not necessary to settle the abstract principle involved in the question of voting *per capita*, or on federative principles. This body was not a Congress, but a voluntary meeting. There was one individual present, whose nomination would, he believed, unite all votes. He would, therefore, under this impression, take the liberty of nominating Mr. P. P. BARBOUR, of Virginia, for the office of President.

In this motion Mr. GALLATIN was unanimously supported, and JUDGE BARBOUR, of Virginia, was elected President, by general acclamation.

The PRESIDENT, on taking his seat, made an address to the following effect:

Gentlemen of the Convention:—The occasion which has brought us together is certainly an important one, whether we have reference to the subject committed to our care, or to the results which may flow from our deliberations.

In almost every other country upon the face of the earth, when the people feel themselves to be aggrieved, they have before them the painful alternative, either of unconditional submission, without the hope of redress, or of an attempt to right themselves by force, and thus breaking up the very foundations of their Government. Happily for us, our lot is otherwise cast. Here, the principle is held so sacred, that it is not permitted to be drawn into question—nay, as if to make assurance doubly sure, it is explicitly guar

anted by the Constitution—"That the People have a right peaceably to assemble and demand a redress of their grievances." It is in the exercise of this unquestioned and unquestionable right, that we have now met together—not to indulge in captious or trivial complaints—not to give utterance to the voice of faction—but for a higher, for a nobler purpose: As the representatives of a large portion of the people of this Union, in their name, and on their behalf, to expostulate with our countrymen, in a tone, manly, yet respectful—firm, yet temperate: to declare, in the *face* of the whole community, that those who sent us here, believe themselves to be burdened, by an unjust, unequal, and wrongful system of taxation: and to appeal to the sense of justice of those who are a large majority, for the correction of so great an evil.

To be called to preside over such an assembly, is an honor which any man might highly appreciate; for myself, I tender you my acknowledgments for such an evidence of your confidence in advance. I am aware that it devolves upon me high responsibility. But I shall meet it with firmness, promising the best exertions of such ability as I have, with the assurance of zeal, and determined impartiality. And, gentlemen, if, by any thing which we shall do here, we can contribute in any degree to the attainment of the great object which we have in view, we shall certainly have rendered some service to the State.

To this end, let us, I beseech you, conduct all our proceedings in a spirit of conciliation and harmony. Let us, by our example, show to the world, that, whilst we know our rights, and, knowing, dare maintain them, we, at the same time, know how to respect the rights and feelings of others. Thus shall we best acquit ourselves of the obligations which we owe to our constituents—thus we may indulge the stronger hope of fulfilling their just expectations. And if, after all, our efforts should fail of success, we shall at least have the consolation to know that we made them with an anxious desire, amicably and justly to settle a question which seriously disturbs the harmony of our common country.

Judge SHORTER, of Georgia, then moved that Mr. RAGUET, of Philadelphia, be requested to act as Secretary.

Mr. RAGUET felt highly honored by the nomination, but as his engagements were numerous, and his health not very good, he would take it as a favor, if some other member were appointed Secretary.

Col. BASSETT thought these objections might be removed, if the Secretary were authorized to employ assistants, and moved an amendment to that effect, which was accepted by Judge SHORTER.

Mr. RAGUET was then unanimously elected Secretary.

Dr. TRIDYMAN, of South Carolina, after stating that he believed the members generally were not aware that they were indebted to the politeness of the Philadelphia Delegation, for the spacious hall in which they were assembled, offered a resolution, expressive of thanks to the Philadelphia Delegation, for their polite attention; which resolution was unanimously adopted.

Col. BASSETT said that some general system would be necessary for regulating the proceedings of the Convention, and as none was so well understood as that in use by Congress, he would move that the rules of the late House of Representatives should be adopted.

The motion was unanimously agreed to.

Mr. MITCHELL, of South Carolina, said, that, as there appeared to be a pause in the proceedings of the Convention, he would take this opportunity of submitting to the meeting a series of resolutions, containing certain great principles in relation to the Tariff, which he thought, if adopted, would regulate the course of their Committees, and serve them as landmarks, in their investigations and discussions, and exhibit to the people of the States, and the General Government, a harmony of opinion and feeling, on this great subject, between sections distant from each other, and distinguished for their populousness, wealth, and enlightenment. Mr. M. said he spoke thus confidently of the resolutions, because they were not the fabric of his brain, but claimed an authority far above any thing which he could give them. That they had been matured and adopted by an Anti-Tariff meeting held at Boston, in the year 1820, in anticipation of a Tariff then projected by Congress, containing the same principles and features with that which they had under consideration. This meeting at Boston, by the gazettes and periodicals of the day, was said to have consisted of the ablest counsellors, the wealthiest manufacturers, and most enterprising merchants of that great and eminent metropolis. As a further recommendation to them, they had been, in substance, adopted by a general Anti-Tariff meeting held in this city about the same time, on the same oc-

casion. The substance of these resolutions was, that the Tariff was unconstitutional, impolitic, and unjust, and that the true measure of taxation was revenue, for the constitutional support of the Federal Government.

The first resolution is—"That no objection ought to be made to any amount of taxes equally apportioned, and imposed for the purpose of raising revenue for the support of Government." This was the view, Mr. M. said, that the people of his own State had taken of the subject. They objected to no amount of taxes that might be necessary, provided they were levied in an equitable manner.

"But," the resolution proceeds, "taxes imposed on the people, for the sole benefit of any one class of men, are equally inconsistent with the principles of our Constitution, and with sound policy."

Such were the sentiments of the most enlightened men of Massachusetts.

Equal rights, equal duties, equal immunities, equal disabilities, continued Mr. M., is the language of the Constitution. His brother Delegates would concur with him in declaring, that the sentiments of this resolution would be echoed by every man, from the mountains to the ocean, and from the North Carolina line to the Savannah river. The chief objection among his constituents to the Tariff, was its unconstitutionality. They can no where find, in the Constitution, an express authority given to Congress by the people of the States, to encourage manufactures by taxation; nor can they understand how a power to regulate commerce, can comprehend a power to promote manufactures, by direct or indirect bounties: how regulation means prohibition: how a power expressly given for the purpose of increasing foreign commerce—of extending it to every quarter of the globe—and placing it on the best and most prosperous footing—can imply a power to diminish and annihilate it, and turn labor and capital to manufacturing industry: This is above the comprehension of those whom he had the honor to represent. Mr. M. said that this, in the minds of his constituents, was neither more nor less than arbitrary taxation, and, he was more than gratified, that they had been supported in this view of the Constitution, by the commercial people of the great and enlightened cities of Boston and Philadelphia.

The other resolutions are—

"That high bounties on such domestic manufactures as are benefitted by the Tariff, favor great capitalists rather than personal industry, or the owners of small capitals, and, therefore, that we do not perceive its tendency to promote national industry.

"That we are equally incapable of discovering its beneficial effects on agriculture, since the obvious consequences of its adoption would be, that the farmer must give more than he now does, for all he buys, and receive less for all he sells.

"That the impositions of duties which are enormous, and declared by a large portion of the people to be unequal and unjust, is dangerous, as it encourages the practice of smuggling.

"That, in the opinion of this meeting, the duties of the Tariff should be reduced to the standard of revenue for the support of Government."

These resolutions were submitted by Mr. MITCHELL, as the universal sentiments of the people of South Carolina—as sentiments worthy of universal adoption—and, to which no rational objection could be made, either in or out of the Convention.

On motion of Mr. A. P. BUTLER, of South Carolina, who thought it would be best to appoint Committees, before considering resolutions, the resolutions were laid on the table.

[N. B.—The resolutions brought forward by Mr. M. are copies of the celebrated resolutions offered by Mr. Daniel Webster, at the meeting in Boston, in 1820.]

Mr. GALLATIN thought that, before bringing specific propositions before the Convention, some preliminary steps were necessary for the general arrangement of business. He had learned, with great satisfaction, that *fourteen* States were represented in the Convention. The members had, as yet, had but little opportunity for ascertaining each other's sentiments. To promote this object, and to facilitate business, he would propose that a Committee should be appointed, consisting of two members to be elected by the Delegation of each State, or of one member, when, from the necessity of the case, there could be no more than one, and that, to this Federative Committee, thus formed, should be committed the duty of arranging the order of business. Whether Special Committees should be appointed, would be a subject for future consideration. The principal object of the Convention was of a *practical* nature. A remonstrance to Congress must be prepared. A Committee of Correspondence, to collect facts, may be necessary. An address to the People of the United States will, perhaps, be thought proper. To prepare business for the consideration of the Convention, a General Committee

seemed necessary, and that this Committee might have general powers, he offered a resolution expressed in general terms.

A verbal amendment to the resolution was offered by Mr. JONES, of Georgia, and accepted by Mr. GALLATIN, as expressing the sentiment he had intended to convey.

Mr. POINDEXTER said the resolution conflicted with the rules of Congress, which had just been adopted for the regulation of business. In the House of Representatives the Speaker appoints the Committees.

The President of the Convention, (Mr. BARBOUR) declared the practice of Congress to be as it had been stated by Mr. POINDEXTER; but added, that it would be much more agreeable to him, if the Delegation from the different States would elect their own members of the Committee. As he had not yet had time to become generally acquainted with the members, he might, in some cases, place on the Committee those who would not be most acceptable to a majority of their own Delegation.

Mr. GALLATIN said, that when he voted for the adoption of the rules of Congress, he did not suppose he was voting for them *extenso*, but simply for so much as was necessary for preserving order. One great object of the resolution would be defeated, if the President should appoint the Committee. That object was, that each State represented on this floor should have its due weight in the preparation of business for the consideration of the Convention—that the sentiments of all the States should be ascertained, as nearly as possible.

Mr. CHEVES thought there was no difficulty in the case. The Convention could impose on itself such restrictions as it pleased; and it could take them off when it pleased. It had, in this respect, greater liberties than Congress. It was not bound by any constitutional obligations, and could alter its arrangements to suit its own convenience. The object of the mover of the resolution, by which they felt themselves trammelled, had, no doubt, been simply the adoption of the common law of Parliament for the preservation of order. As, from the experience they had already had, it was probable that the rules of Congress would be very embarrassing to the Convention, he would move for suspending, or he believed the proper form would be, for rescinding them.

Mr. GALLATIN thought, a total repeal of the rules of Congress, was not, perhaps, desirable; and Mr. POINDEXTER suggested their simple suspension *pro hac vice*.

Mr. CHEVES then withdrew his motion, which was renewed by Mr. GOLDTHWAITE, of Alabama.

Col. BASSETT observed, that when he had proposed the adoption of the rules of the House of Representatives, it had passed through his mind, that many of them were not applicable to the present Convention. Some of them, for example, referred to the appointment of Standing Committees on subjects on which they were not now assembled to deliberate. But he had thought, that, as rules came up which were found inconvenient, they might be repealed, one by one, leaving such only in force as were applicable to this Convention. Since, however, difficulties had already occurred which had not been foreseen, he had no objection to the rules being rescinded.

The rules were then rescinded; and Mr. GOLDTHWAITE, of Alabama, offered a resolution, that so much of the rules of Congress as relates to the introduction of resolutions and the mode of debate, be adopted as the rules of the Convention.

This resolution was opposed by Col. CARPENTER, of Maine, on the ground that disputes would continually arise, as to which of the rules referred to in the resolution, were applicable to this Convention. It would be best to be governed by the common law of Parliament. Every member had implicit confidence in the President. He was well acquainted with business; and, if he ever decided wrong, an appeal could be made to the Convention.

Mr. GOLDTHWAITE's resolution was negatived.

There was then a recess of an hour, to afford the different Delegations an opportunity of electing members of the General Committee, for the general arrangement of business.

When the President had resumed the chair, the names of the different gentlemen composing the General Committee were announced, as recorded on page 9, of the Journal.

Mr. BERRIEN then rose and stated, that, as this was a matter of fact Convention, it was very desirable to ascertain the operation of the present system of duties in all parts of the Union. And as some parts were not represented on this floor, he would offer a resolution to invest the President with discretionary power, to invite such persons as were friendly to the objects of the Convention, and capable of giving useful information, to a seat within the bar.

Mr. BERRIEN's resolution, was unanimously adopted; and the Convention adjourned till 12 o'clock, on Monday.

THIRD DAY.

MONDAY, OCTOBER 3d, 1831.

Among the additional Delegates who appeared to-day, were some from Connecticut, making the whole number of States represented in the Convention, *fifteen*.

The President announced the names of several gentlemen whom, (in the exercise of the discretionary power conferred in him by Mr. BERRIEN'S resolution,) he had invited to take seats within the bar.

[Among the gentlemen mentioned by the President, was Mr. HENRY D. SEDGWICK, a native of Massachusetts, but, we believe, for some time a resident of New York. He was the proposer of the Convention, through the medium of the New York Evening Post. A few weeks before the meeting, he was struck with paralysis. The disease does not affect his mind, and his interest in the objects of the Convention being undiminished, he was conducted to his seat by his servants and friends. He was regular in his attendance on the Convention, till within a day or two of the final adjournment.]

Major EDWARDS, of South Carolina, said, he understood the Convention would be honored with the presence of the fairer and better part of the creation. He therefore moved that the President should be invested with power to make such arrangements as, in his discretion, he might deem necessary, for the accommodation of such ladies as might think proper to attend.

A gentleman from New York moved to lay the resolution on the table: but it was carried by general acclamation.

A letter was received from John I. Mumford, Esq. of New York stating that he had deposited in the Hall, for the use of the members of the Convention, several hundred copies of the Report of the Committee on Commerce, of the year 1829.

Mr. GALLATIN, the Chairman of the General Committee, reported, that the Committee were doubtful of the extent of the powers conferred on them—whether they had authority to draft a Memorial to Congress, and an Address to the People, or simply to prepare business for the consideration of the Convention. He had been instructed, by the Committee, to ask for information on these points, and also to submit to the Convention a resolution for the appointment of a Committee, consisting of one person from each of the States represented in the Convention, to prosecute, before Congress, the great objects which they had assembled to promote.

Mr. G. submitted two resolutions to this effect.

When the resolution for the appointment of a *permanent* Committee, to prosecute the case before Congress, was submitted to the Convention—

Mr. POINDEXTER said, its phraseology was such as to imply the adoption of a Memorial by the Convention—and none had yet been adopted. He therefore moved to lay the resolution on the table.

When the resolution requesting information of the extent of the powers of the Committee, was brought forward—

Governor MILLER, of South Carolina, asked what particular instructions were required.

Mr. GALLATIN replied, that he had nothing particular to say, except that doubts had arisen, in the Committee, of the extent of their power—some supposing it extended to the drafting of Memorials and Addresses, and others believing that it extended no further than to the arrangement of business for the consideration of the Convention. He had been instructed to ask information on these points.

Governor MILLER requested that the resolution by which the Committee had been constituted, should be read.

Colonel PRESTON, of South Carolina, moved that the Committee should be limited to reporting such objects as ought to engage the attention of the Convention.

Mr. SWETT, of Boston, offered, as an amendment to this resolution, a proposition that the Committee should be authorized to prepare drafts of a Memorial, and such other papers as they might deem necessary.

Colonel PRESTON'S motion was adopted.

Colonel PRESTON then inquired, when the Organic Committee, (as he believed he ought to call it) would be prepared to report.

Mr. GALLATIN replied, that he was not able to say. He had requested the members of the Committee to tarry after the adjournment.

Mr. POINDEXTER stated that the Chief Justice of the United States was now in Philadelphia. Some mark of honor was due to this venerable and very worthy man. He

would move that the Convention should, as a testimony of the sense they had of his merits, invite him to take a seat within the bar.

The resolution was unanimously adopted.

After a recess of an hour, the President resumed the Chair, and

Mr. GALLATIN, by direction of the General Committee, reported two resolutions; one directing an Address to the People of the United States, the other a Memorial to Congress; to be prepared, to promote the objects of the Convention.

The resolutions were agreed to, without a dissenting voice.

Mr. MERCEIN, of New York, said it would, he believed, be conceded on all hands, that attendance in the Convention was very inconvenient to many of the members, and productive of great sacrifices. The sooner we can get through the business, the more satisfactory it will be to all. He, therefore, proposed to commit the duty of preparing the Memorial and the Address, to the General Committee; because it was already appointed, because it was well qualified for the duty, and because, from the manner in which it had been formed, by election by the different Delegations, it possessed the means of ascertaining the exact wishes of the different States represented in the Convention. An additional reason was, that some interchange of sentiment on the subject of the Memorial and of the Address, had, he understood, already taken place among the members of the Committee.

The motion was adopted; 117 members voting in the affirmative.

Col. JONES, of Georgia, Col. CLAPP, of Maine, and Mr. POINDEXTER, of Mississippi, then offered the resolutions which will be found on pages 13 and 14 of the Journal, all the resolutions expressing, in different forms, the sentiments of the movers in regard to the "American System."

A proposition was made by Mr. VETLIKE, of N. J., to lay the resolutions on the table.

Governor MILLER, of South Carolina, thought this course would be improper. The resolutions purported to be *instructions* to the General Committee, and, if they were to have any effect, they ought to be discussed before the General Committee made its report. Laying them on the table, might retard the proceedings of the Committee.

Col. JONES, of Georgia, in an animated speech, declared that the object of his resolution was, to instruct the Committee, and the object of the resolutions of the gentleman from Mississippi was the same. If it be proper to give any instructions to the Committee, the sooner it is done the better. His object was, to elicit the sentiments of the Convention, in regard to the unconstitutionality of protecting and prohibitory duties. He had been especially instructed by his constituents, to maintain the unconstitutionality as well as inexpediency of the system. He had not known the object for which they were assembled, and, it would be to little purpose, if they were not to declare that the system was unconstitutional. The inexpediency of it, was, to his constituents, a minor consideration. We stand on the principle of the unconstitutionality of the system. Bad as our condition now is, hard as our burdens are, they are nothing to what they may be, if the constitutionality of the system be admitted. We had better never have assembled, if, by our silence on this point, we leave it to be inferred that the act is constitutional; and we are at the mercy of any Congress, if we only declare it inexpedient.

Col. BUTLER, of So. Carolina, (who spoke with equal animation,) said, he hoped the resolutions of the gentleman from Mississippi would be referred to the Committee, with their Report. As far as that Report went, he was perfectly satisfied. He feared it did not go far enough. The Address and Memorial, to be drawn up by that Committee, would breathe a tone, a spirit, that might satisfy his constituents. But, he observed, there was no allusion made, in it, to the question of the unconstitutionality of the Tariff. My constituents, (said Col. B.,) believe that it is unconstitutional—and, believing so, it was a question of vital importance to them. I agree with my friend from Georgia, that it is necessary that this question should be decided on by this body. I will go as far in the spirit of conciliation as any one. I am delighted with the spirit which I see pervades this assembly. I see a disposition to oppose the system of which we complain, and a spirit becoming the occasion. But, I cannot go so far as to compromise principles, and to disregard the instructions of those who sent me here. I do not insist on the precise proposition in which it may be said the Constitution has been violated. It was enough that the Constitution of a People had been violated—whether in spirit or in letter, was immaterial. I come instructed by constituents who know their rights, and will not consent to any compromises of principles, that will put them in jeopardy; and, to yield the constitutionality of the measure, might have that effect; and, to forbear expressing our opinion on this point, might be construed into

acquiescence, although not so intended. This question must be met, and, if I refuse to meet it, I shall go home to be consumed by the indignation of freemen, who have sent me here to assert and maintain their rights.

Mr. VETHAKE agreed to withdraw his motion, to lay the resolutions offered by Mr. POINDESTER, on the table, to make way for the motion to refer them to the Committee, on the distinct understanding that such reference of them in no way implied any instruction on the subject, to the Committee, by the Convention. He said, he had no intention of expressing an opinion of the constitutionality or unconstitutionality of the Restrictive System, but wished simply to stave off the discussion for the present. The Committee, he had no doubt, would be able to meet the wishes, if not of all, of the great majority, of the members of this Convention. The discussion could be entered upon when the Memorial and Address were before the Convention.

Chancellor HARPER, of South Carolina, moved to *commit all* the resolutions to the General Committee, for consideration.

Mr. CHEVES said, that, if the resolutions were to be regarded in the light of instructions, he would give the preference to that of the gentleman from Georgia, (Colonel JONES.) The resolutions of the gentleman from Mississippi involved too much—they involved the whole principles of government, some of which it was unnecessary now to discuss. If the resolutions were simply committed to the General Committee for consideration, we should be just where we are now: for the resolutions involved no opinions not familiar to all the members of the Committee. Two courses presented themselves to the Convention. The one was to make an express declaration of principles, in distinct resolutions, and be governed thereby in the preparation of memorials and remonstrances. The other was to embody the sense, intelligence, and local information of the members, in distinct committees. As the object was to consume the least time, the latter course had been adopted by the Convention. It was obvious that there was but one question which could agitate this body, and that was the question of the constitutionality of the Restrictive System. This question cannot be evaded. Meet it, in some shape, we must. It must be brought forward: if by no other person, by myself, (unless I am forcibly silenced,)—though I should prefer its being brought forward by another. It struck Mr. C. that the best way to bring it forward would be to suffer the Committee to report, as discussion now might retard their proceedings.

Chancellor HARPER, of South Carolina, was decidedly of opinion that it would be best to defer the discussion till the Committee had made their report. The resolution that had been offered might be regarded as mere *hints* for their consideration.

Mr. BERRIEN, of Georgia, with a view of ascertaining whether the resolutions contained instructions to the Committee, or mere suggestions, requested that they might be read again.

The request was complied with—and then

Mr. BERRIEN stated, that the resolutions did not, in his view, contain any thing absolutely binding on the Committee or on the Convention. He gave the preference to the resolution of his colleague, (Col. JONES,) but he would, out of abundant caution, suggest a verbal alteration to his friend, in order to meet the wishes of the members generally.

The PRESIDENT stated, that the committing of the resolutions would not bind the body. They might decide directly against them, if they saw fit.

The resolutions of Col. JONES, of Georgia—Col. CLAPP, of Maine—and Mr. POINDESTER, of Mississippi—were then committed to the Organic Committee, for consideration.

On motion of Mr. FISH, of New York, it was

Resolved, That the Honorable James Brown, late Minister to France, be invited to take a seat within the bar.

Mr. GALLATIN said, that, as the commitment of these resolutions imposed on the Committee the duty of examining the subject matter referred to therein, he had been instructed to say the Committee would not be prepared to report before Wednesday, at 12 o'clock.

The Convention then adjourned to 12 o'clock on Wednesday.

FOURTH DAY.

WEDNESDAY, OCTOBER 5th, 1831.

Chief Justice Marshall appeared to-day within the bar, accompanied by Judge Baldwin, of the United States Supreme Court. When the name of the venerable Chief Justice was announced, the members of the Convention respectfully rose to receive him.

The following letter from James Ronaldson, Esq. of Philadelphia, was received, and read to the Convention:

To the President and Members of the Free Trade Convention at Philadelphia.

Cedar Street, September 11, 1831.

Gentlemen:—The characters of the members of this Assembly have led us to conclude, that they have met, not to distract the public mind, by theorizing on abstract and doubtful principles of civil right; but to develope useful *facts*—the knowledge of which may advance the general prosperity of the United States, and the comfort and respectability of our fellow-citizens.

The world has seen the greatest divines, and most learned men, met in council, to determine the abstract rights and obligations of religion, and has seen them part without having acquired credit for themselves, or benefiting society. The results might have been far happier, had the same Assembly confined its attention to those practical subjects of moral duty, in which every individual has to play his part.

Now, *facts*, in the deliberations of commerce, and political economy, are as useful as simple good morals are in religion.

These prefatory remarks are intended to introduce to your notice one of these—an occurrence of common nature—but to explain the *cause* of which may have a bearing on the subject for which your honorable body has assembled.

Four years since, being engaged with an undertaking of some magnitude, (the construction of a cemetery, on a new plan,) and, as its success was very doubtful, economy of expenditure was an important object.

A large quantity of *Iron* was required for railing, &c. Accordingly, I personally waited on the principal iron founders, inquiring on what terms it might be furnished.

The lowest price was *sixty-five* dollars per ton; six tons being wanted. This was in the year 1826.

This present year (1831) having occasion to enlarge the cemetery, there is needed about the same quantity of iron—and of the same description.

On writing to the iron masters, I find that they are ready to furnish the same quality of iron, at *fifty-five* dollars per ton.

This is a strikingly obvious *fall of price*, and the fact must be interesting to your honorable body.

I trust the communication will be assigned to its proper motive, viz: that you may, by facts, and not theory, understand what the policy of our Government is producing, in the affairs of our country.

And I would respectfully recommend, that this Convention would appoint a Committee to inquire into the causes which have reduced the price of iron, in four years, \$10 per ton, or 15.7 per cent. on the highest price.

And I would further respectfully suggest, that the Committee be instructed to report an opinion on the following query: What would be the effect, on the price of iron, of perfect confidence, on the part of the public and iron manufacturers, that the present system is not uncertain and vacillating, but a permanent one?

A simple reduction has taken place in the article of *Sugar*, which equally deserves your especial attention.

There are other commodities, the produce of your country, and of the labor of your fellow-citizens, which are regularly coming into market, of improved quality, and reduced price; these will, no doubt, in the course of your investigations, be duly considered.

All which is respectfully submitted, in the sincere hope that your honorable Convention may prove a benefit to your country, and be productive of no evil.

JAMES RONALDSON.

Mr. MITCHELL said, that he had a proposition to submit to the Convention, which he thought of great importance. He knew that he was not a practical man, and therefore

felt great limidity in submitting any thing which was peculiarly of a practical nature. Of one thing he was certain, if his proposition was weak or ill advised, it would be rejected by the good sense of the Convention—and if he should stumble on a good suggestion, he would have the happiness to reflect that his labors had not been in vain. Mr. M. said, that one of the most unjust and oppressive features of the Tariff was the mode in which duties were assessed. According to his understanding of the Act, there were three sets of duties—specific, minimum, and ad valorem duties. The two first were fraught with injustice, and violated every principle of common sense. In both of them the rate of duty was high when the article was of inferior quality and of low price; or the rate of duty was low where the article was high and of superior quality. It was specifically a tax on the poor, laid on articles of food and clothing. As, in the instance of Coffee, the oil of the West India market, selling at 9 cents a pound, paid the same duty with the delicious coffee from Arabia, which cost 25 or 30 cents the pound. Here the poor man paid a duty of $33\frac{1}{3}$ per cent. on the cost of what he drank, while the rich man paid only a duty of 10 per cent. This was contrary to every principle of common sense. So it was with the duty on Woollens. The coarse woollens worn by the poor man, paid 75 or 100 per cent. duty on the cost, while the fine woollens of the rich man paid no more than 45 per cent. Mr. M. said, this was intolerable injustice. Mr. M. was for abolishing these duties, and substituting an ad valorem duty on all imports. This was the fair duty. The burden or tax was proportioned to the pockets of the consumer.

He begged leave to submit a resolution, referring to the General Committee an inquiry into the expediency of recommending to Congress the abolition of specific and minimum duties, and the substitution of an ad valorem duty on all imports.

The reference was made as requested.

On motion of Col. JONES, of Georgia, it was

Resolved, That the Convention accepts, with thankful acknowledgments, the copies of Mr. Cambreleng's Report on Commerce and Navigation, presented by Mr. John I. Mumford, for the use of the Convention.

Col. PRESTON, of South Carolina, said that the thanks of the Convention were specially due to the Merchants of New York, at whose expense the Report had been printed.

Mr. STEVENS, of New York, suggested the leaving out of Mr. Cambreleng's name, as it was unusual, in official documents of this description, to make the name of the Chairman a part of the title.

Several gentlemen said, the name of Mr. Cambreleng was inserted on the title page of the copies of the Report that had been presented to the Convention: and the resolution was adopted without amendment.

The Convention not receiving at the time expected, a Report from the General Committee, Col. PRESTON, of South Carolina, and Mr. ROANE, of Virginia, were appointed to wait on the General Committee, and inquire at what time they would be ready to report.

They returned in a few minutes, with information, that the General Committee would appear in a few minutes, either to make a report, or to ask further time.

Col. BASSETT, of Virginia, offered a resolution, that a Committee be appointed to raise funds to defray the expenses incident to the meeting of the Convention.

Mr. RICHARD PRICE, of Philadelphia, said he hoped the resolution would not be adopted. The Pennsylvania Delegation had made arrangements for defraying the expenses of the meeting.

Dr. TIDYMAN, of South Carolina, said, the Convention was indebted to the politeness of the Philadelphia Delegation for the arrangements made for the accommodation of the meeting: but there would be expenses for printing, which he hoped the members of the Convention generally would be suffered to defray.

Mr. PRICE said, the expenses of printing had entered into the calculation of the Philadelphia Committee.

Many gentlemen said, they could not consent that the Philadelphia Delegation, and the Citizens of Philadelphia, should bear all the expenses of the Convention—and it was

Resolved, That a Committee be appointed, to confer with the Philadelphia Delegation, on the subject.

About one o'clock the General Committee entered the room.

Mr. GALLATIN, the Chairman, said, they must request further time for consideration. One of the papers the Committee had been directed to have prepared, had been submitted to them that morning. It was a long and elaborate document. They had

not had time to go through it in the manner they desired. If further time was granted to the Committee, it would probably prove a saving of time to the Convention. He was instructed to say that the Committee would be prepared to report at four o'clock.

Col. SWETT, of Massachusetts, said, it was important to economize time. And the Convention might profitably employ its time in transacting other business, while the Committee was engaged in its deliberations. Many of the members would soon be anxious to go home, as they had other business to attend to. He would, therefore, move that the Committee have leave to sit during the sessions of the Convention.

Mr. BERRIEN, of Georgia, said, he should regret the adoption of this course. The continuance of the Convention in session, while the Committee was necessarily absent, would subject those members who were on the Committee to an inconvenience to which they ought not to be subjected.

Col. SWETT withdrew his motion—and it was

Resolved, That there should be a recess until four o'clock.

AFTERNOON SESSION

The Convention met at four o'clock.

On motion of Mr. BARCLAY, of Philadelphia, it was

Resolved, That Judge Baldwin be invited to take a seat within the bar.

Mr. BARCLAY, in answer to an inquiry made by some members, said, he had seen Judge Baldwin among the auditors during the day.

Mr. BERRIEN said, the General Committee was prepared to report, and that, by their direction, he would read an Address to the People of the United States, which they had ordered to be submitted to the Convention for consideration.

The Address was then read, by Mr. BERRIEN, in a distinct, emphatic manner—so that it could be heard in the most remote parts of the spacious hall.

At the conclusion of the reading of the Address, loud applauses were given.

Col. JONES, of Georgia, then rose, and expressed his admiration of the general character of the Address. But, as this was a business of great moment, and nothing should be done hastily, he would, to allow the members time for deliberation, and to afford them an opportunity of examining the Address, move that it be laid on the table, and that 300 copies be printed for the use of the members.

The motion was agreed to—and

The Convention adjourned to 10 o'clock on Thursday.

FIFTH DAY

THURSDAY, OCTOBER 6th, 1831.

The PRESIDENT stated, that he had information that copies of the Address would not be received from the printer before 12 o'clock. He submitted the expediency of a recess till that hour.

Mr. POINDEXTER, of Mississippi, offered a resolution for the appointment of a Committee to confer with the Tariff Convention, about to assemble in New York. It was read, and laid on the table.

Mr. MITCHELL, of South Carolina, laid on the table a printed paper, addressed to the members of the Convention, and signed by BENJAMIN FANEUIL HUNT, Delegate of St. James', Santee, who was not able to attend the meeting.

It was ordered to be read, and the Secretary had made some progress in reading the same, when it was, on motion, resolved to dispense with the further reading, as not being strictly in order, and to lay it on the table.

The Convention then took a recess till one o'clock, at which time the President resumed the chair, and the following letter from Mr. Sarehet, of Philadelphia, was received and read.

Philadelphia, October 5, 1831.

SIR: A printed letter with Mr. Ronaldson's name subscribed to it, was handed to

me at the adjournment of the Convention this evening, requesting my opinion on the statement therein contained, as a practical man :

First, Mr. Ronaldson states, "that he was told that sixty-five dollars was the lowest price per ton, that Iron for Railing, (I presume cast iron,) could be furnished for, in 1826, and in the present year he is offered the same quality of iron at fifty-five dollars per ton, or at a reduction of ten dollars in four years, equal to 15.7 per cent. on the highest price." I answer by the following facts, (not theory,) the greater fall of the same article in foreign markets; the price of Cast Iron in Great Britain in the following years :

1825	£7 15	per ton	\$34 44	Duty \$10 per ton.
1826	5 00	"	22 22	" " "
1830	3 7 6	"	15 00	" 12 50 "
1831	3 5 0	"	14 44	" " "

Average of the first two years, £6 7 6, on which the duty operated thirty-five per cent.

Average of the last two years, £3 6 3 or \$14 72, duty as before stated, \$12 50 per ton, or 81½ per cent.

The foregoing plainly shows, that our high duty on Iron keeps it from falling in the same ratio that it would do was it not for the specific duty, which operates in an advancing ratio, equal to the fall in price in foreign markets; we see that the duty, during the first two years, was only 35 per cent., whilst, in the two last, it was 81½ per cent., the additional duty of \$2 50 of 1828 included; the fall has been nearly one-half in Great Britain, and in this country only 15.7 per cent.; these are facts, not the theory insinuated by Mr. Ronaldson, that high duties make cheap goods. In the next paragraph Mr. R. says, "That you may, by facts, and not theory, understand what the policy of our Government is producing in the affairs of our country." The present policy of the iron masters and their friends, has produced an anomaly in legislation never before heard of, viz: giving a bounty of \$56 80 per ton on iron, provided it be manufactured in a foreign country; for these facts see "Banner of the Constitution" of this day, which I am prepared to prove by invoices, "and not theories," in my possession. Again, Mr. R. asks, "What would be the effect on the price of iron, of perfect confidence, on the part of the public and iron manufacturers, that the present system is not uncertain and vacillating, but a permanent one?" A repetition of what it was in 1812, '13 and '14, to double the present price of iron, which is double and treble of what it is in some markets, and deteriorate its quality, which is already bad enough, as it did then, and a short supply and bad assortment, by which the country would be still more oppressed. For the illustration of the foregoing, I herewith send a sample of English cast iron, which cost 12 6, or \$2 77 at the par of exchange for 112 lbs.; and a sample of American, which cost \$5 for the 112 lbs., the quality and finish of which the Convention will have an opportunity of judging; the invoice and bills will be produced, if required; as I want facts, "not theories." I leave the mode of elucidating these facts more fully to the wisdom of the Convention, and do not presume to distract or propose the means to our Convention, much less would I do so, to that to which Mr. R. is a Delegate.

Very respectfully,

JOHN SARCHET,

A Practical Blacksmith.

To the President of the Free Trade Convention.

N. B. I also hand in a few copies of a Petition, presented to Congress in 1830, by which it will be seen, that the tax on iron alone, for a ship of 500 tons, is \$1,295, at which rate, the tax on our shipping interest amounts to \$200,000 per annum, and on cut nails 2 cents per lb. The iron-men state that 40,000 tons of iron are used for nails, making the tax, by their account, on cut nails alone, \$1,700,000; whilst the value of all the iron made by them, and which comes to the sea-board, is only worth \$430,000, exclusive of duty or bounty.

Mr. MITCHELL made a motion to have the letter printed, as, in his opinion, it contained facts of considerable weight.

Col. BUTLER thought it would be an act of courtesy, to include in the motion the letter of Mr. Ronaldson. Let us show the people that we are not afraid to lay both sides of the question before them.

Several gentlemen thought it unnecessary to take a special order for printing the letter, and it was laid on the table.

Mr. CRUGER, of South Carolina, said, that more importance had been attached to the subject than it perhaps merited. But as several gentlemen seemed to take an in-

terest in it, he would mention that iron ready prepared for rail roads, had been imported this year at 44½ dollars a ton, including freight, insurance, commission and charges. This was 11 dollars less than the price mentioned by Mr. Ronaldson.

The copies of the Address not having been received from the printer, as expected, several motions were made for a recess till 4 o'clock, or to adjourn till 10, the next morning. The question on one of these motions had been put, and would have been carried in the affirmative, if, at this moment, some copies of the Address had not been received, and distributed among the members.

A motion was then made, and carried, that the Convention should resolve itself into a Committee of the Whole, to consider the Address to the People, reported by the General Committee.

Col. JONES, of Georgia, opposed this motion, as calculated to defeat the object of printing the Address for the use of members. But few of them had obtained a copy of the Address. Not one of them had had time to read it, much less to study it. He must have a very exact memory, who could recollect all the particulars, and couple them properly together, after hearing them once read. Could, then, the members of the Convention be said to be prepared to decide on this important document?

Several gentlemen who were very anxious to save time, thought some progress might be made in the consideration of the Address, notwithstanding the unfavorable circumstances mentioned by Col. JONES and others; and the Convention resolved itself into a Committee of the Whole, Mr. BANKS, of Virginia, in the Chair.

The Chairman had read but one or two paragraphs of the Address, when Mr. BERRIEN, and several other members of the General Committee, who had been engaged with business in another room, entered the saloon.

In a short and forcible appeal to the Chair, Mr. BERRIEN stated, that the object of the Convention in ordering the Address to be printed, would be defeated by proceeding at that time to discuss it, in Committee of the Whole. That object had been to afford to gentlemen an opportunity of examining this document carefully and at leisure, so that they might become familiar with its contents, and be prepared to determine advisedly upon the question of its adoption, amendment, or rejection, when the Convention should be called to make that decision, either in Committee of the Whole, or in the House. To enter upon the consideration of the Report, without such previous examination, could have no other effect than to produce a protracted and unprofitable discussion. The impressions which would be produced by hearing the Address read section by section—or by the hasty perusal which could be given to it during the sitting of the Committee of the Whole, ought to be tested; and, if necessary, corrected by the deliberate reflection of the closet. He besought gentlemen to pause—to allow time for examination, and for the interchange of opinion among the members. He had been engaged in another room in revising the proof of the Address, and subsequently in an effort to remove certain impressions in relation to this paper, which he believed had been taken up, merely from not having sufficiently considered its contents; when he was surprised by the information, that the Convention had resolved itself into a Committee of the Whole, and was proceeding to consider the Report. He hoped this course would not be persevered in; and concluded by submitting a motion that the Committee should now rise, report progress, and ask leave to sit again.

Col. PRESTON, who had made the motion to go into a Committee of the Whole, said he must, in justice to himself, and to prevent mistake, state his motive. In the House, he had made a motion to adjourn, and had been overruled by a proposition to bring on the discussion of the Address. He had then moved to go into Committee of the Whole, believing that a hasty discussion in the Committee of the Whole, would be less injurious than a discussion in the House. He deprecated a debate, without previous deliberation.

By a unanimous vote, the Committee of the Whole then rose, reported progress, and obtained leave to sit again.

Adjourned till 10 o'clock on Friday.

SIXTH DAY.

FRIDAY, OCTOBER 7th, 1831.

After the minutes of the last meeting had been read, by the Secretary—

Mr. BERRIEN rose, and proposed to discharge the Committee of the Whole from the further consideration of the Address to the People.

He spake to the following effect :

Mr. President : It is particularly important that the proceedings of this Convention should be closed in that spirit of perfect harmony which has hitherto happily marked its deliberations. It is desirable, also, that its sittings should terminate at as early a period as may be, consistently with the faithful discharge of the duty which our constituents have required us to perform. I will submit to the Convention, very briefly, an outline of the course which it seems to me advisable to pursue, for the attainment of these objects.

The Address which has been reported by the Federative Committee, contains two distinct views of the system of which it complains. In relation to one of these, there is, I believe, a perfect accordance of opinion among the members of the Convention. In regard to the other, there is some diversity. It has reference, however, not to the correctness or incorrectness of the argument against the constitutional power of Congress to impose protecting duties, (for the discussion of this question has been waived, expressly and in terms,) but to the expediency of introducing it into the Address, in support of the opinions alleged to be entertained by a part of the American People. The single question which divides us—that of the expediency of inserting this argument in the Address—cannot require the deliberation of the House in Committee of the Whole, and it ought not to be permitted to lead us into discussions on other and exciting topics, not necessarily connected with it. In the House, the Report will be open to any motion for amendment, as well as in Committee of the Whole; and gentlemen may have any opportunity of recording their dissent from any part of it which they consider liable to objection.

For myself, I have no desire to discuss this question; nor, whatever may be its determination, that, which would then be in order, on the final adoption of the Address. It would seem to me to be advisable that both of these should be disposed of without debate. On questions so simple, and which have already engaged so much of the reflection of gentlemen, each individual had no doubt formed his determination. I am ready to bear testimony to the conciliatory spirit which has been manifested by those who doubt the expediency of retaining this portion of the Address. If those who desire to retain it should be disposed, as I hope they may be, to waive this unprofitable discussion, their example will, I trust, be met in a corresponding spirit by our brethren who differ from us. Should this course be adopted, the sittings of the Convention may probably be brought to a close to-morrow. If the motion which I have now submitted should prevail, I will follow it up by a resolution for the discharge of the Federative Committee from the duty of preparing the proposed Memorial to Congress, and for raising a Permanent Committee, whose duty it shall be to collect the necessary facts, to prepare the Memorial, and to present it to that body. This resolution will contain specific instructions to the Committee, setting forth the principles to be insisted on in the Memorial. I anticipate, with great confidence, an entire accordance of opinion, among the members of this Convention, in relation to these instructions, and will derive no small gratification from the consideration that the closing act of the Convention will thus exhibit to our fellow-citizens the perfect unanimity which prevails in this body in regard to the great object for which it was constituted.

Mr. CHEVES understood the object of the gentleman from Georgia to be, to bring the Address before the House, that those who disapproved of a particular part might express, in regular form, their opposition. Of a vote in Committee of the Whole, no record would appear on the Journals of the House. As one, he heartily concurred in the suggestion, thinking it just that those who had any objection to the Memorial, should be allowed an opportunity of recording their objections. He was much gratified with the spirit of harmony which prevailed in the Convention, and hoped it would continue till the close of its proceedings.

The Committee of the Whole was discharged accordingly—and the Address came before the House.

Mr. GALLATIN then rose, and said, that it must be taken for granted that all those who were in favor of the Tariff believed it to be constitutional; but it did not follow

that all those who opposed that system of protecting domestic manufactures, by prohibitory or high duties, were of opinion that the Acts of Congress, imposing such duties, were unconstitutional. A difference of opinion did, in fact, exist among the members of this Convention, on that point; and he was one of those who believed the power to be expressly granted by the Constitution. The Member from Georgia, who had prepared the intended Address to the People, had been indefatigable in his efforts to conciliate the conflicting opinions on that point, by putting this document in such a shape as might render it acceptable to all; and he was sensible that a majority of the Convention had made every concession which, in their opinion, was consistent with their principles, and those of their constituents. He regretted that they had thought it necessary to insert in this paper any of the arguments adduced, to prove that the Tariff was unconstitutional. It was a matter of deep regret to him, that, notwithstanding the concessions made by the majority, and the manner in which the arguments were introduced, he could not vote for the Address in its present shape. But, this difference of opinion did not at all extend to the ultimate object this Convention had in view, but only to the different reasons on which the opposition to the Tariff was founded. It was a difference on the construction of the Constitution, which all acknowledged as the supreme law of the land, but which all had the right to construe according to their own convictions. There was nothing but what was natural, and of common occurrence, in such diversity of opinion, which perpetually arose with respect to treaties, to statutes, and to every possible instrument of writing, and was due either to carelessness in the choice of expressions, or to the imperfection of our faculties, and of human language. There was nothing, in that difference of opinion, which could excite our feelings, provided we avoided a discussion, which he believed unnecessary and dangerous. Concurring fully, in that respect, with Mr. Berrien, he intended simply to move that all the argumentative part of the Address, on the question of constitutionality, should be struck out. The only object of those who agreed with him on that question, was, to have their names recorded, and the reasons understood why they could not agree to the Address. But he would abstain from stating, not only the reasons why he thought the Tariff not unconstitutional, but even those which prevented him, and those who agreed with him, from concurring in the Address, even in that modified shape, in which, from an earnest wish to conciliate, it was presented to the Convention. They were all agreed as to the great object in view, that of obtaining a practical remedy; and those who believed the Tariff constitutional were determined to continue united with the majority of the Convention, in their efforts, here and elsewhere, to effect a repeal of that obnoxious and oppressive system. Nothing could gratify them more, than to have an opportunity, on this floor, to join with the other members of this body, in some measure, or expression of sentiment, that might show, that, if differing on a speculative point, they were unanimous as to the main question.

Mr. G. then proceeded to state his principal objections to the Tariff. He thought it injudicious, as affecting the country at large, and as calculated to retard, and not to accelerate, its prosperity. But that view of the subject was to him but of secondary importance. The energy and intelligence of this nation would surmount any obstacle which errors of legislation might oppose to its natural and irresistible progress in manufactures, commerce, and every branch of industry. This was, at best, but a question of time; and discussions on abstruse points of political economy, like those on constitutional questions, would always consist principally of abstract and disputable arguments. But, on questions of right and wrong, of what was just or unjust, there could be no mistake.

It was to the effect of the Tariff, on different sections of the country, that he principally objected. Setting every argument aside, taking for criterion the prevailing opinion in the Northern, and the unanimous opinion in the Southern, portions of the Union, the Tariff was avowedly a measure that enriched one section at the expense of another section of the country.

It offered, also, such temptations to smuggling, and was so vexatious in the details necessary to enforce it, that the consequence was almost inevitable. Mr. G. knew, he had had the best means of ascertaining, the honorable fidelity of the American merchants, in all their relations with the revenue laws. But he knew, also, the uniform result of exaggerated duties, in every country where they long prevailed. His leading reasons for opposing the Tariff, and for most earnestly wishing its repeal, were, therefore, its unavoidable tendency to demoralize the community, and gradually to alienate the affections of a whole section of these United States. On the fatal result, in a Go-

vernment founded solely on the affections of the people, invested with no other but a moral force, he would not permit himself to expatiate. But he would ask whether a presumed expectation, that we might somewhat hasten the establishment of manufactures, which, without any artificial aid, will necessarily grow and flourish with the growth of a dense population—whether a somewhat more rapid accumulation of wealth, if this, contrary to his own opinion, was effected by the Tariff, were objects of sufficient importance to outweigh considerations of such nature as those he had merely suggested.

Mr. G. submitted, also, to the consideration of the Convention, whether, independent of the portion of the Address which he wished to be struck out, there were not some sentences, expressed with such warmth of feeling, as would render them liable to be misunderstood or misrepresented.

[Mr. G. here read the last sentence of paragraph 4.]

He then moved to strike out all that part of the Address which related to the constitutionality of the Tariff, commencing "In justice to them," paragraph 5, and ending with "stand upon our chartered rights," at the end of paragraph 8.

Governor MILLER, of South Carolina, rose, to inquire how the gentleman from New York, and those who concurred with him in objecting to the passage in question, would vote on the question of adopting the Address, if the motion to strike out was negatived.

Mr. GALLATIN replied, they would then vote against the Address, and wished their vote, on the motion to strike out, to be recorded, as their reason for not voting for the adoption of the Address.

Mr. BERRIEN.—I understand the object of gentlemen to be, to record their votes in favor of the motion to strike out, in order to explain their vote against the Address, the remainder of which has their cordial concurrence. It gives me pleasure to acknowledge the liberality which was manifested in the Committee, by gentlemen who took this view of the subject; and I am gratified by the continued evidence of the same feeling, which has just been exhibited to the Convention. To the distinguished and venerable gentleman from New York, who presided over the deliberations of that Committee, this acknowledgment is especially due. I offer it with sentiments of unaffected and cordial respect, and congratulate the friends of free and unrestricted commerce, on the cheering prospect which is presented by this unanimity of feeling and of action, in relation to the great objects of our assemblage. I cannot, however, consent to expunge the paragraph referred to. There is not an expression in that Address, which is inconsistent with a feeling of devoted attachment to the Federal Union. Personally, I am incapable of entertaining such a feeling. My earliest opinions, my continued and most fondly cherished convictions, would forbid it. But if I could forget all these, I should not dare to give utterance to such a sentiment, as a Representative of the people of Georgia. That people, sir, will yield to no part of their fellow-citizens, in their attachment to the bond of our Federal Union. It is with them a deep, domestic, fire-side feeling, which animates all classes, and pervades every portion of our State. But they believe that the system of which they complain is unequal, oppressive, and unjust; and my conviction is, that the language of the Address is such as freemen, so believing, ought to speak.

Mr. GALLATIN still objected to the expression as too strong.

Mr. CRUGER, of South Carolina, said that, in rising at the last moment to submit a few remarks, it was by no means his purpose to excite discord, and much less animosity. Although differing from others, as to the expediency of debate, he would not invite even an amicable discussion of the matters before the Convention, least that harmony and unanimity which all seemed to regard so important, might, by chance, be brought into jeopardy. As representing, in part, however, those who believed the Tariff to be *unconstitutional*, he felt bound, in justice to his own opinions, and the instructions of his constituents, in voting *against* the proposition to strike out, to state that, even as it stands, there were some parts of the Address to which he could not yield his assent. While, upon all other points, the inequality, injustice, oppressiveness, and inexpediency of the Tariff, the Convention express distinctly and positively their own opinions, upon the question of its constitutionality, they barely set forth the opinion of others, and even in doing that, had not sufficiently repudiated the *principle of protection*, whether direct or incidental. Nor had the doctrines of Free Trade, and equal taxation, been put forth to their just extent. In fact, it had been in his contemplation to have moved an amendment to the Address, on these grounds, but he had forborne, in deference to the opinion of his colleagues in favor of conciliation, and in accordance with the spirit of

forbearance and moderation by which they were actuated in common. The Address did not contain, upon this topic, what *they* would have inserted—not the most that should have been said, not even a medium, but the least that could have been accorded, and the least that would have been accepted. He had, however, in the spirit of amity and compromise, determined to suspend his objections, and vote for it entire; and he called upon the benches, from whom the motion to strike out had emanated, to meet those half way, from whom they differed in this sole respect, and to utter the Address to the world with the emphasis of unanimity.

Mr. CARPENTER, of Maine, did not wish to go into a debate on the constitutional question; but as his name would be the first called, when the ayes and noes should be taken, he requested permission to state his reasons for the vote he was about to give against striking out. He believed the Tariff to be constitutional; but if it is a fact that others believe it to be unconstitutional, why not state it? He did not think that any member, by voting for the Address as it stood, would compromise his own opinions on the constitutional question. He differed in opinion from those whose views were expressed in the passage it was proposed to strike out. For his own part, he had not the smallest doubt of the constitutionality of the Tariff Laws. If he had any doubts, he would immediately resign the office he held under Government. If he believed the Tariff to be unconstitutional, and had not the magnanimity to resign, there stood a man at the head of the Government, who, never yet having shrunk from his duty, would, he trusted, forthwith place a man in his stead, who had no doubts on the subject. But still, he was willing to have the opinions of that portion of the American people who differed in that respect from him, go forth, that the whole community might see what they had to say on that subject.

Mr. GALLATIN declared emphatically that he would not be driven from his ground by any remarks from members—he would not give his reasons in detail for voting against the Address. Why could not the assembly vote for the Address, either as it stood, or with the amendment which he had proposed, without a prolonged discussion? He wished to see the question taken. He would observe, however, on the last sentence to which he had adverted, that what was there stated did not appear to be given as the opinion of the people of the South, but as that of the Convention.

The ayes and noes were then taken, and it appeared that 35 members were for striking out so much of the Address as referred to the constitutional question, and 159 against striking out. The ayes and nays will be found on pages 19, 20, and 21, of the Journal.

Judge JOHNSTON, of South Carolina, was much pleased with the spirit of cordiality that prevailed, and was very unwilling to disturb the harmony of the Convention. But there was a portion of the Address to which he could not subscribe. He believed it to be fatal to the cause they had assembled to promote—fatal to the principle of Free Trade. The passage to which he objected, would be found in the seventh paragraph, and was as follows:

“They admit the power of Congress to lay and collect such duties as they may deem necessary for the purposes of revenue, and, within these limits, so to arrange these duties as incidentally, and to that extent, to give protection to the manufacturer. They deny the right to convert what they denominate the incidental, into the principal power; and, transcending the limits of revenue, to impose an additional duty substantively and exclusively for the purpose of affording that protection.”

Such an admission was, Judge JOHNSTON thought, fatal to the cause of Free Trade, and fatal to the constitutional argument introduced into the Address. The Tariff party have never contended that Congress have a *substantive* power to protect manufactures. All they have contended for, is, that it is an incidental power, growing out of the granted power of levy imposts. And shall we take up the thread-bare arguments of our opponents? Shall we concede to them all they demand?

I know a qualification is added, denying “the right to convert what they call the incidental into the principal power.” But the qualification is not sufficient. The admission is a dangerous one: because, under a power to protect incidentally, as much injustice may be done, as under a power to protect substantively.

I object to the principle implied in the admission, as unfounded in fact: for I hold it to be a fiscal impossibility, to collect revenue, and afford protection to manufactures, by the same system of duties. Where protection is afforded, revenue is destroyed. This may be illustrated by three different cases. If I am in error, I am sincere and honest in my error, and hope I shall be corrected.

The first case I shall take, is that in which revenue is raised, and no protection is afforded. Suppose an article could be purchased abroad, brought here and sold, with

out duty, at one dollar; and that the same article could not be manufactured at home for less than one dollar and fifty cents. In this case, it is evident that even a duty of forty nine cents would not protect the domestic manufacturer. But, to make it plainer, suppose the duty twenty-five cents: Here is evidently revenue without protection.

For the second case, suppose the duty to be sixty cents: Here is complete protection, and no revenue. The foreign article is entirely excluded.

Let me go a little further, to the third class of cases, in which the duty is equal to the difference between the cost of the domestic and foreign production; and this class of cases is, I believe, what the author of the Address had in view, in speaking of the incidental power to protect manufactures. For example: The cost of an article produced at home, may be one dollar and fifty cents, and that of a similar article, produced abroad, only one dollar. By imposing a duty of fifty cents, you bring the foreign and domestic article to a level in our market. But, if you are in quest of revenue, in imposing a duty, it is just as plain as that two and two make four, that, to the very extent that you afford protection, you destroy revenue. In proportion as the foreign article is excluded by the duty, and the domestic takes its place, the receipts of the public Treasury are diminished.

A practical illustration of this, is afforded in the article of cotton bagging—I hope the gentlemen within the bar, who do not like the word cotton, will take no offence at my introducing it—I do not mean any member of this House, but the newspaper editors who are taking notes. The cotton-bagging used, is part of domestic, and part of foreign manufacture. Now, supposing the demand to be for 100,000 bags: The demand cannot be more than supplied. The duty may cause an additional quantity to be produced, the domestic supply being added to the foreign. But only 100,000 bags will be consumed, and if, by the high rate of duty, the foreigner is prevented from supplying 20,000 of the 100,000, the revenue is, in that proportion, diminished.

Here, then, we have three cases—one in which revenue is raised, and no protection afforded—another, in which complete protection is afforded, and revenue destroyed—and a third, in which partial protection is afforded, and revenue in the same proportion diminished. A fourth case cannot be supposed.

The power to raise revenue by imposts, and the power to grant protection to manufactures, are conflicting powers. The second cannot be incidental to the first. The attempt to exercise the second power, destroys the first. I know well, that a severe criticism awaits this Address, and I am anxious to save it from the just objections which this admission will cause to be brought against it.

For what purpose has this Convention met, but to declare that it is unjust for any set of men to receive what ought to go into the public Treasury. If a total exclusion of foreign articles is effected by the means of duties, the whole goes into the pockets of the protected individuals. If a partial exclusion, the part goes into their pockets. In both cases, the public Treasury is injured, and they are benefited.

MR. BERRIEN.—Whatever sensitiveness I may feel, when any remarks are made which are calculated to seduce us into an exciting and unprofitable discussion, there is one view of the subject presented by the gentleman from South Carolina, which I do not regret. I will not, however, indulge myself in the expression of what my personal feelings would prompt me to declare on this question. The report of the General Committee was framed in the spirit of compromise, and I will not depart from it—I appeal to gentlemen in all parts of the house, to persevere in the same spirit in which we have hitherto so happily conducted our proceedings. For myself, I cannot consent to the proposed modification of the Address. We do not assert the opinion of the Convention—we state that which has been avowed by those who complain of the System, of which the evidence is to be found in their memorials to Congress—nor do I fear the consequences of the admission. Constitutional power is one thing; the just exercise of that power is another, and a very different thing. I cannot separate the incident from the principal. If Congress have power to lay duties for the purpose of revenue, so long as they confine themselves within that limit, whatever is incidental is lawful; however, it may be unequal, and therefore, unjust. We do not assert that Congress possesses the power to pass laws, substantively for the protection of manufactures, but simply that such protection may result, as an incident, from the operation of laws enacted for the purposes of revenue. I hope gentlemen will see the propriety of abstaining from this discussion. Let us manifest our attachment to the Constitution, by avoiding all impracticable constructions of that instrument.

COL. JONES, of Georgia.—My object in rising is not so much to satisfy the Convention that the motion of the gentleman from South Carolina ought not to prevail, as to

endeavor to induce him to withdraw it. The illustrations of the gentleman showed the incidental power of Congress to protect manufactures. The phraseology of the Constitution is peculiar—"Congress shall have power to lay and collect taxes, duties, imposts and excises"—"Imposts" is a technical term—by it is meant a duty on imports. The Constitution, then, has given to Congress the direct power to impose them, and it inevitably follows, in the exercise of this power, that, in laying a duty on imports, protection must be given to manufactures of the same character. If Congress have the power to lay and collect imposts, it must have the power to arrange them, and, in doing this, manufactures must be protected, to a greater or less extent. We have never denied to Congress this power. We object to the abuse of it. While we admit the right in Congress to lay imposts to raise a revenue to pay the public debt, and discharge the ordinary expenses of the Government, we deny the right to extend it beyond those purposes, for the protection of manufactures. Upon this we take our stand; and the sentiment is universal, from Mason and Dixon's line, to Louisiana; that every Tariff law which goes beyond the purposes of revenue, for the protection of manufactures, is unconstitutional, and contrary to the true intent and meaning of the framers of the instrument. We know a law may be so framed as not to show, in its title and various sections, that it is not constitutional; and that the Judiciary, when called to decide on it, may, from respect to a co-ordinate department, be compelled to declare it constitutional; not so with Legislators. They are bound to look to the motives of the advocates, the objects, and the effect of the law; and, from them to determine whether it be a violation of the true intent and meaning of the Constitution; and, while a Judge may be constrained to pronounce it constitutional, the Legislator, in voting for it, may be entirely regardless of the oath which requires him to defend the Constitution, and preserve it inviolate.

Mr. President: Permit me, in conclusion, to offer a few remarks, to vindicate the South from the slanders and calumny which have been heaped upon it. We have been charged with a desire and design to sever the Union. Among the people of the South, there is a most devoted attachment to the Union, and determined purpose to maintain the Constitution. On this subject, there is among us no division of opinion. We are ready to yield many things to preserve the Union, and to shed the last drop of our blood in its defence. We feel, Sir, a sincere affection for our brethren of the North. But, Mr. President, there is a point of forbearance beyond which we cannot go. The war of the Revolution was produced by a petty duty of three pence on tea. It was not the amount, but the principle, which imposed taxation without representation—and Sir, we stand upon the principle, that Congress has no power to lay a tax for protection. Admit that principle, and while we now complain that our task is too severe to make bricks of clay and straw, we may be compelled, by our hard masters, to make bricks without straw. Mr. President, I would say to our Northern brethren—Beware, you may go too far; and, though my warning is but the voice of an humble individual, still I would repeat—Beware, and beg them to remember that we are freemen, and the sons of freemen.

Mr. GALLATIN.—I am called upon to vote on a question of fact—not to express my own views—but to declare whether a certain part of the nation do, or do not assert a particular construction of the Constitution. There is a difference of opinion, on this floor, between gentlemen from that part of the country, on this question. One gentleman says one thing, and another gentleman says another thing. I must beg to be excused from voting on the question.

Mr. WATERS, of Alabama, proposed to modify Judge JOHNSTON's motion to amend, so as to strike out only the words, "so to arrange these duties as."

Major EDWARDS, of South Carolina, inquired if it would not be in order to call for the previous question.

The PRESIDENT replied, that, by the rules of Congress, the previous question precluded debate. But those rules, after having been adopted, had been rescinded. By the common law of Parliament, calls for the previous question did not preclude debate.

Major EDWARDS then moved that the rules of Congress should be adopted.

The PRESIDENT replied, that no question, not immediately relating to the subject of the Address, could now be submitted, without a departure from parliamentary order.

A motion was then made to lay Judge JOHNSTON's and Mr. WATERS's amendments on the table.

The PRESIDENT stated that this could not be done, without laying the whole subject on the table.

Judge JOHNSTON intimated a wish not to press for a further consideration of his amendment, if not agreeable to the Convention.

Mr. CHEVES thought, with due deference to the Chair, that the motion of his friend from South Carolina was in order. The practice of calling for the previous question, arose when there was much less order in Parliament, than at present. If his memory served him, the original practice was still retained, and the previous question could be called for in any stage of the debate. In any stage, he believed, the question might be put from the Chair, "Shall the main question now be put?"

The PRESIDENT said, he had not seen the Parliamentary Manual for some months. But, if his memory did not fail him, the practice had been so far modified, that a call for the previous question would not, in this stage of the discussion, preclude debate.

Mr. POINDEXTER said, that, in the Senate of the United States, where the common law of Parliament was their guidance, the previous question was unknown.

Mr. JOHNSTON would be very sorry to give rise to a debate not in order. He felt every disposition to follow the example set by the venerable gentleman from New York, and avoid every topic calculated to produce excitement.

Mr. LYONS, of Virginia, moved to lay the Address, together with the amendment, on the table.

Mr. JONES, of Georgia, thought nothing could be effected by this movement.

The motion was negatived.

Judge SHORTER, of Georgia, said he would not trouble the Convention with any unnecessary remarks. He would, at the outset, make one general observation, the correctness of which would, he presumed, be denied by no one; it was, that the Convention should adopt the Report, word for word, as it was received from the hands of the Committee, unless it was certain that it would be rendered more perfect by expunging from it some obnoxious matter, or by the addition of new and necessary matter. He requested the Convention to test the two propositions under consideration, by the principle just laid down.

The gentleman from South Carolina, (Judge JOHNSTON) had submitted a motion to amend the Report, by striking from it certain words, and the gentleman from Alabama, (Mr. WATERS) had moved to amend this motion, by retaining a part of the words proposed to be stricken out by the gentleman from South Carolina. He begged permission to read that portion of the Report sought to be amended, for the purpose of showing more clearly what it now asserts, and what it will be made to assert, should either of the motions before the Convention prevail. The part of the Report attacked by the motions was then in these words—"they admit the power of Congress to lay and collect duties, such as they may deem necessary for the purposes of revenue, and, within these limits, so to arrange those duties as incidentally, and to that extent, to give protection to the manufacturer." The gentleman from South Carolina has moved to expunge from the Report all the words just read after the word "revenue," so that, should *his* motion prevail, the Report will be made generally to assert "they admit the power of Congress to lay and collect such duties as they may deem necessary for the purposes of revenue." The motion of the gentleman from Alabama is only to expunge from the paragraph in question the words, "so to arrange those duties as;" so that should *his* amendment succeed, the Report will be made to assert that "they admit the power of Congress to lay and collect such duties as they may deem necessary for the purposes of revenue, and, within these limits, incidentally, and to that extent, to give protection to the manufacturer."

Judge SHORTER then said, the Convention had before it what the Report, in its then form, asserted, what it would assert should the motion of the gentleman from South Carolina prevail, and also what it would assert if the motion of the gentleman from Alabama should prevail. A few remarks, aided by a comparison of the three propositions with each other, would, he thought, satisfy the Convention, that the adoption of either of the propositions to amend, would not render the Report more perfect. He said, as the motion of the gentleman from Alabama was the motion first in order, he would point his first remarks particularly at it. He repeated the words as they then stood in the Report, and contended that the adoption of the amendment proposed, would not alter, in the slightest degree, the principle asserted by the Report in its then shape. The effects of the amendment would be, to make the Report assert, "that they admit the power of Congress to lay and collect such duties as they may deem necessary for the purposes of revenue, and, within these limits, incidentally, and to that extent, to give protection to the manufacturer." He would now ask the mover of the amendment, how the power of protection, as limited, was to be exercised? To his mind the answer was most appropriately given by the very words proposed to be expunged "so to arrange those duties as." To his mind it was plain, that the adoption of the amendment first in order,

would in no shape alter or change the tenor or effect of the Report, that it was, therefore, inexpedient to make the alteration proposed.

Judge SHORTER then said, he would next make a few remarks in regard to the motion of the gentleman from South Carolina. That gentleman had stated, that he regarded the concession in the Report, of the power in Congress to grant protection to manufactures, as dangerous, if not fatal to our cause. Judge Shorter said he was of a different opinion. The Constitution, as it then stood, expressly gave to Congress the power to lay and collect taxes, duties, imposts, &c. but, as he believed, with an equally explicit limitation of the objects to which the same should extend. From this general grant of power in the Constitution, our adversaries have asserted the right to lay and collect duties, not necessarily in reference to the payment of the public debt, the defence of the country, or in promotion of the general welfare, but for the avowed purpose of protecting our domestic manufactures. The part of the Report under consideration most materially limits and restricts the power claimed and exercised by our adversaries; for that portion of the Report assailed, was fully, and to his mind satisfactorily, explained by the next succeeding paragraph, which was in these words: "They deny the right to convert what they denominate the incidental into the principal power, and, transcending the limits of revenue, to impose an additional duty, substantively and exclusively for the purpose of affording protection." He could not agree with the gentleman from S. Carolina, that the admission of the power of protection, thus limited and restricted, could be either dangerous or fatal to our cause; on the contrary, could the doctrine asserted by the Report prevail, it would be a full and complete triumph to the advocates of Free Trade.

But, said Judge Shorter—it has been truly and pertinently remarked by the venerable gentleman from New York, (Mr. Gallatin) that the portion of the Report under consideration, was not intended to assert that the matter as therein and thereby set forth and promulgated, was or was not the opinion of this Convention—it was only given as the opinion of "a large and respectable portion of the American people." Now, who was to decide, or who could decide, whether that portion of the American people to whom allusion was made, did in fact hold the opinion of the gentleman from Alabama, the gentleman from South Carolina, or the Report of the Committee? Unless one or the other of those gentlemen had better or more extensive means of knowing the opinion of this "large and respectable portion of the American people," than the Committee consisting of two Delegates from each of fourteen States, and one Delegate from another, it would obviously not be proper to reject the opinion of the Committee, and adopt that of either the gentleman from Alabama, or the gentleman from S. Carolina.

Judge Shorter said he would not enter into an argument as to the extent of the power of Congress to lay and collect duties by way of protection—such arguments would not suit the occasion, and they had been studiously avoided on all sides. This Convention, he said, was composed of members from various parts of the Union, and those members very naturally entertained different views upon some of the questions involved in the Restrictive System. They had all, however, assembled for one and the same general and great object. It was preposterous to expect that a Report would or could be made precisely to suit the feelings of every member. For himself, he had entered upon the business of the Convention with every disposition to conciliate the feelings of all, believing all to be friends. Could he have been gratified in having his own way, he would have had the character of the Report changed, so as to explicitly declare the existing Tariff, in the opinion of the Convention, to be unconstitutional. He would have done this, because such was his honest and deliberate opinion, and was also the opinion of those whom he had the honor, in part, to represent. But he had seen that many of our able and warm friends from the Northern and Eastern States, were of a different opinion, and deprecated most earnestly such a course; he had therefore met them half way, and had been content that the Report should express the opinion of the South, with a brief enumeration of the reasons by which they sustained that opinion.

There was a remaining suggestion, said Judge Shorter—that would show the impropriety of adopting the amendment proposed by the gentleman from South Carolina, or even discussing it further—our friends of the Northern and Eastern States have abstained from any reply to, or argument against, the opinion of the people from the South, as contained in the Report, and they were induced to this course by a belief that the members from the South would not, on their part, provoke discussion. The amendment proposed by the gentleman from South Carolina, presents a grave constitutional question, and one upon which members of this Convention entertain dif-

ferent opinions. As the amendment could be productive of no good, and might perchance excite unpleasant feelings, and destroy that harmony which had thus far prevailed in our deliberations, he hoped most earnestly that it would not be further pressed.

Mr. WATERS, of Alabama, was prepared to take the Address as it came from the hands of the Committee; out of regard to the compromise which had been entered into; but he was not disposed to admit the power of Congress to make such arrangement of imposts, as to afford more protection to some branches of industry than to others. He was proceeding to explain his views, when

Mr. STOCKTON, of New Jersey, rose, he said, with unfeigned reluctance. But if gentlemen persisted in their course, they would certainly bring on the discussion they wished to avoid. They had come together from different parts, to devise means for removing a great evil under which the country was suffering, and they were perplexed with opinions upon a constitutional question. He was not prepared to decide that question, and would express no opinion on it. He had come for a different purpose.

Judge JOHNSTON said he would withdraw his motion to amend. His object was to screen the Address from the severe criticism this passage would meet. He had now personally fulfilled his duty. The motion was accordingly withdrawn.

Mr. SEDGWICK, of Massachusetts, was not surprised at the solicitude to take the question without debate. It was not to be wondered at. He was not indiscreet in addressing the House. He was not behind any gentleman in generous sympathy for the Southern people; but to the Address he had insuperable objections. The introduction of the constitutional question into it, was a most indiscreet matter. Yes, Mr. President, a most indiscreet matter. The drafters of the Address had therein committed a most unhappy indiscretion. The opinion therein referred to, prevailed in the South; but not in Massachusetts. I take a higher ground, said Mr. SEDGWICK, than infringement of a mere charter, in my opposition to the Tariff System; and I am unwilling to send such a firebrand among the people. The Tariff is unjust, oppressive—an abuse of power. An abuse of what power? An abuse of greater power than that conferred on the representative by his constituent. It is an abuse of the power conferred on man by God. Will you interpose your Charter made forty years ago, in preference to the eternal rule of right established by the Creator? Fifty years ago, the principle of Free Trade was unknown. Adam Smith then rose as a sun to illuminate the world. When your Charter was formed, all was monopoly. Many gentlemen had found it impossible to get over the arguments in Mr. Madison's speech, in defence of the constitutional power of Congress to protect manufactures. One of the first acts of the General Government, was for the protection of manufactures. And shall we then go forward and tell the people, that what the Government has been doing, ever since its foundation, it has had no power to do! The people of the section of the country from which I come, will not understand you. But appeal to their native sense of justice, and you will be heard. Having, then, this sure ground to go upon, will you object to the Tariff System, merely because "it is not in the bond"? Address them in other language. Say to them, "Men and brethren, we are descended from a common parentage, let us not shed each other's blood. Let us be just and conciliating to one another." Their native sense of justice will respond to your own feelings, and your object will be accomplished.

Mr. SEDGWICK thought, there seemed a desire in some, to get rid of the system in too great haste. He begged them to recollect the progress that had been made in various countries, in getting rid of the trammels it imposes, since the time when it was regularly established by Colbert, in France. Great part of that Minister's regulations had, in that country, been annulled. And was it to be supposed that Reform in England would stop short with a change in the mode of representation in Parliament. Are things to rest there? Are the corn laws, which send so many thousands snapperless to bed, to continue in force? No, they must fall, and the shock will be felt in this country. Then what a great point will be gained by the friends of Free Trade.

But you are troubling the people with a litigated question—a question on which the great constitutional lawyers are divided. In many respects the Address is exceedingly defective. You ought to have had more regard for the sympathies of men. You ought to have told them, that you do not mean to destroy them at a blow. You should have told them, you are not at war with manufactures. Manufactures are the cause of civilization. From what is now done, we go home powerless.

Mr. S. said, gentlemen must not feel unkindly towards him for what he had said. He was the devoted friend of Free Trade. If they should forcibly expel him from the

Convention, and shut their doors on him, he would still remain the friend of Free Trade; but he could not approve of the Address.

Mr. BERRIEN thought Mr. SEDGWICK's speech, was a departure from the conciliatory course of the gentleman from New York. Mr. S. had gone into his reasons for not voting for the Address. He hoped the gentleman who thought as he (Mr. B.) thought, would not imitate the example of the gentleman from Massachusetts, by giving their reasons for voting for the Address; but let the minority have the benefit of the discussion that had just taken place.

Loud calls were then made for the question, and the ayes and noes having been taken, it appeared that 170, were in favor of adopting the Address, and 27 against adopting it, as recorded on pages 22 and 23, of the Journal.

Mr. HERNDON, of South Carolina, recorded his vote in favor of the Address, with an exception as to the passage which Judge JOHNSTON had moved to strike out.

Mr. BERRIEN congratulated the Convention on the point at which they had arrived, and in the prospect of bringing the business to a harmonious close. The Federative Committee had been instructed to prepare both a Memorial and an Address. The Address had been disposed of. A resolution had been presented by the Chairman of the Federative Committee, for the appointment of a Permanent Committee, to collect facts, and press the subject before Congress. This resolution the Convention had laid on the table. In the posture in which they stood, it would be necessary to remain in session, to prepare the Memorial, collect the facts, and overcome the various obstacles to the objects they had in view, or delegate these duties to the Permanent Committee it had been proposed to constitute. If the latter course were adopted, the business of the Convention would be brought to a speedy termination.

He should therefore move to discharge the Federative Committee, and to substitute a Committee of one member from each State represented in the Convention, whose duty it should be, to collect the facts, to prepare the contemplated Memorial, and prosecute the case before Congress. This Committee would be in a better condition to draft the Memorial, than the Convention could now be. The principles of the Memorial could be fixed by the Convention, in its instructions to the Committee. From the spirit of harmony that prevailed, he expected complete unanimity as to the tenor of the instructions. If the course here indicated should be pursued, he should offer a resolution containing instructions, by their vote on which, he expected members would show to the world, an entire concurrence of opinion in regard to the grand object of the Convention.

Inquiry was made, if a Memorial had not been prepared by a sub-committee of the Federative Committee.

Mr. GALLATIN replied, that a sub-committee had been appointed to report, but he could not say if they were ready, as the assembling of the Convention at 10 o'clock, had superseded the meeting of the General Committee.

Mr. GARNET, of Virginia, stated that the sub-committee were ready to report.

A motion was then made, to lay Mr. BERRIEN's resolution on the table; but it was negatived, and a large majority voted for discharging the Federative Committee.

The resolution for the appointment of a Permanent Committee, was then read, in the form in which it came from the General Committee, and as it will be found in pages 26 and 27, of the Journal.

After the resolution had been read, Judge SHORTER, of Georgia, said, I rise from my seat, Mr. President, to propose an amendment to the resolution under consideration. It may be that the subject-matter of the amendment may covertly be included by the provisions of the resolution in its present shape, but I regard the subject as possessing so much importance, that I am unwilling for it to go without a separate and distinct specification. I propose to amend the resolution by inserting the following matter "and in many respects is infinitely more oppressive upon the *poor* than upon the *rich*." I trust that the amendment will be adopted, and I trust that the mover of the resolution will accept the amendment; but if he should not, I must nevertheless press its consideration upon the Convention, and I would do so if I stood alone. The amendment should be adopted, because the fact which it asserts is unquestionably true; testimony in abundance can be procured, not only to prove the truth of the abstract assertion in the amendment, but also to prove that an invidious distinction is studiously kept up throughout the 'Tariff of 1828, between the *rich* and the *poor*, in favor of the former, and to the oppression of the latter.

I will not enter into the argument of the matter at this time, but will for a moment refer to a few provisions of the act of 1828, pertinent to the present inquiry. All

articles of jewelry (of which there are many) composed of gold, silver, or precious stones, pay a duty of only *twelve and a half* per cent. ad valorem. Such articles are usually purchased and used by the *rich*, and seldom by the poor. Whilst articles of the same character, but composed of coarser and cheaper materials, such as are commonly purchased and used by the *poor*, and seldom by the rich, pay a duty of *twenty-five* per cent. ad valorem. The finest and most costly description of cotton goods, and such as are usually purchased and used by the *rich*, pay a duty of *twenty-five* per cent. ad valorem, whilst certain inferior cotton goods, such as are useful to the *poor*, pay, in some instances, a duty as high as *one hundred and eighty-five* per cent. The finest and most costly quality of broad cloth, such as is peculiarly calculated for the use of the *rich*, pays a duty of fifty per cent., whilst inferior and coarser cloths, such as the comfort and health of the *poor* compel them so use extensively, pay a duty, in some instances, as high as *two hundred and twenty-five and a half* per cent. Similar remarks may be made in regard to fine and coarse flannels, and many other articles.

I am not disposed Sir, to clamor in favor of the rights of the *poor*, but what I have said, has emanated from a sense of justice. We live in a land of equal rights and privileges, and it is but sheer justice that the poor should, in regard to taxes, duties, and, indeed, in all other respects, have equal rights and equal protection with the richest nabob in the country.

The amendment offered by Judge SHORTER was unanimously adopted.

Mr. LITTELL proposed to strike out the words "and void," from the third paragraph of the resolution.

Mr. BERRIEN said, if the Tariff was unconstitutional, it must necessarily be void.

Mr. LITTELL thought the resolution would be more acceptable, if the words "and void," were stricken out, and Mr. BERRIEN declaring he had no objection to the amendment, if it would make the resolution more acceptable, the words "and void," were stricken out.

Col. PRESTON, of South Carolina, objected to that part of the resolution which made it obligatory on the members of the Permanent Committee to give their personal attendance at Washington. He was averse to lobby members.

Mr. GALLATIN could see nothing improper in agents attending Congress to promote any business, either public or private. If men would disgrace themselves by improper conduct, that could be no objection to sending honorable men there on honorable business. He did not know what was meant by lobby members; but if his health and business would permit, he would volunteer to go to Washington next winter, to promote, if possible, the great object of the Convention.

Col. PRESTON did not doubt that, either as a lobby member or as a regular, the gentleman from New York could render essential service. But the Constitution had pointed out the true mode of proceeding. Every individual had his agent in his representative.

In a certain State, the employment of lobby members formed, according to common report, a part of the regular routine of political manœuvre. He did not doubt it was very efficient. He meant no offence. We know it not in the South. It may produce an influence not known to the Constitution. We believe much of the very evil this Convention is assembled to consider the means of removing, is to be attributed to this kind of agency. It is a species of agency which does not find favor in our eyes. Col. P. would feel perfectly satisfied that when the cause of the Convention came before Congress, its representatives should appear within the hall, and *not* without it.

Governor TAYLOR, of South Carolina.—We shall have our representatives in the Hall, to whom we can safely trust, for they are all Anti-Tariffites; but how will it be with our friends here in the North, who are in a minority. I mean no disrespect in reminding them of their misfortunes; and I must beg my friend from the South, to recollect that South Carolina has had just such a *lobby member* as he objects to. When the Controller General was sent to Washington, to procure a settlement of the accounts of the State of South Carolina, he received instructions to urge on the consideration of the Members of Congress, the subject of a certain Memorial. And this was not belittling the State of South Carolina. I well recollect when the principal men of New York—De Witt Clinton and Gouverneur Morris, appeared at Washington, as *lobby members*!

We must meet the enemy, continued Gov. TAYLOR, with their own weapons. If they use torpedoes, we must use torpedoes also. If they use hot balls, we must use balls equally hot. We shall not have fair play, if we are too fastidious. I advise my friend to give up, for this time, his southern prejudices. Indeed I think a Delegation

from this body, a body, uniting so much talent, weight, and respectability, would be entitled to some higher name than that of *lobby members*. I was glad to hear my old friend, my long tried friend from New York, express his willingness to go to Washington, to promote the great object. I have retired from public life, and am not disposed to volunteer to assist him, but I am highly gratified with his intention.

Mr. BERRIEN said, the attendance of some of the Permanent Committee would be necessary to sustain the propositions in the Memorial. Another object would be, to explain the operations of the facts they had collected.

Mr. CHEVES regretted that the resolution offered some days since, for the appointment of a Committee of one member for each of the States represented in the Convention, had not been adopted. He would be happy now, if the resolution offered by Mr. BERRIEN, could be referred to the General Committee; if for no other reason, from respect to the sub-committee, which had prepared a Memorial.

Mr. BERRIEN said there would be no difference in adopting the resolution formerly offered by the General Committee, or that which he now proposed, unless it was the object of the gentleman from South Carolina to discuss the Memorial. The resolution directing a Memorial to be prepared, had been referred to the General Committee, without instructions. The resolution from that Committee, for the appointment of a Permanent Committee, had for its object the carrying of the Memorial into effect. Both objects were embraced in the resolution he now offered. The question was, whether the members would remain in session till these objects were accomplished, or, acquiescing in these instructions, return to their homes. They would be perfectly safe in going home, as the principles of the Memorial would be fixed by the instructions. If they proceeded to discuss a Memorial, the session would be extended into next week.

Mr. GALLATIN would submit to the consideration of the gentleman from South Carolina, the fact, that a much better Memorial could be prepared if more time were allowed. Facts produce the most effect. And we must depend principally upon facts. A more impressive Memorial could be prepared by the Permanent, than by the General Committee. The Memorial must embrace many particulars; to collect and arrange which, time would be required. He had another reason for wishing that the course proposed by the gentleman from Georgia should be adopted. He wished to give his vote in favor of the principles of the instructions contained in the resolution. There was a difficulty in the Address which he could not overcome. But the resolution would have his cordial support, and he hoped the Convention would, by their closing vote, show to their opponents, their unanimity in regard to the great object for which they had assembled.

Mr. CUTBERT, of South Carolina, said they had found time for the consideration of one Report, and why not find time to consider the other.

Mr. CHEVES said, it having been explained to him that the Committee was to consist of one person from each State, he could approve of its appointment, especially when charged with the excellent instructions that had just been read.

Col. BASSETT thought the advantage of having one member from each State, would be more than counterbalanced by the difficulty of their acting in concert.

Here Col. PRESTON said he believed the question had not been put on his motion to strike out so much of Mr. BERRIEN's resolution as required the attendance at Washington of the members of the Permanent Committee.

The question was then put by the President.

Governor MILLER, of South Carolina, thought that if a portion of the Committee were to act, it would give them very great power. Would not the whole power of the Convention be thrown into the hands of a few men. Would it not be better for the gentlemen to go to Washington in their private capacity.

Col. PRESTON's amendment was not adopted.

A member, whose name we did not hear, said he had voted with the minority on the question of adopting the Address. In the General Committee, of which he was a member, it was unanimously resolved to report it to the Convention, but he afterwards discovered some passages in it, which caused him, with great regret, to withhold his vote. He was anxious for an opportunity to justify the opinion that there was an entire concurrence in the Convention in regard to the great object they were assembled to promote, and to show this to the world, he should request the ayes and nays to be taken on the questions of adopting Mr. BERRIEN's resolution.

The ayes and nays were then taken, and it appeared that 159 voted in favor of Mr. BERRIEN's resolution, and 2 against it.

The resolution offered by Mr. POINDEXTER, for the appointment of a Committee to confer with the Tariff Convention, was called up for consideration.

Mr. POINDEXTER addressed the Convention in support of the resolution. He said that his opinions on the great subjects we had assembled to consider, were well known, and he wished it to be distinctly understood, that it was not his purpose, in offering this proposition to the consideration of the Convention, to depart from them. The object we have in view, is just; because it looks only to equality in the distribution of burdens among the American people, founded on the plain and obvious intent and meaning of the Constitution. We desire only to bring back the action of the Government to those principles, and thereby impart confidence and satisfaction to every portion of the Union. We have candidly and forcibly appealed to the magnanimity, justice, and patriotism of our fellow-citizens at large, to unite with us in urging upon the National Legislature such modification of the existing Tariff of duties on foreign merchandise, as may be compatible with sound policy, in the actual condition of the country; having regard, in its ulterior results, to the amount of revenue which may be necessary for the support of the Government, after the National Debt shall have been discharged. Our appeal has the sanction of justice and the Constitution; it is made in a spirit of moderation, and of dignified firmness, which cannot be misunderstood. I would never surrender one inch of the ground on which we rest our hopes of present redress and future security against oppression and unequal taxation. But while we say to those who differ with us in opinion, *these are our principles*, and our interpretation of the Charter which binds us together as one people, we are yet willing to concede much, to attain the great ends of harmony and union, if we are met by corresponding dispositions on their part. The proposed conference would place this respectable assembly in the enviable attitude of a body of high-minded, patriotic men, feeling the wrongs which, in common with those whom they represent, they suffer, by the operation of partial and unjust legislation; who demand that those wrongs be speedily redressed by the constituted authorities of the country; and, at the same time, extend the right hand of fellowship to their brethren who hold opposite views, and offer to interchange opinions with them on the means best adapted to the attainment of the reform which we seek to produce in the political relations of the Union; so essential to its perpetuity, and to the prosperity of all its parts, whatever may be the condition of the people, or their peculiar pursuits of labor and enterprise. The resolution, if adopted, will strongly manifest the good feelings which mingle in our deliberations, and go far to repel the foul calumny, so often repeated, to mislead our fellow-citizens who do not possess the means of appreciating our motives, that the Southern States are uncompromising in their demands, and design to sever the Union, by paralyzing the arm of the Federal Government, while in the legitimate exercise of the powers conferred on it by the Constitution. This calumny has done much to weaken our cause, and to strengthen our opponents, many of whom avail themselves of the delusion, to operate on public opinion, and, by gradual encroachments, to prostrate the barriers erected by the framers of the Constitution for the preservation of our inestimable form of Government, and usurp, by construction, every power which may be grasped by an omnipotent majority, under the deceptive guise of promoting the "general welfare." It is our duty to dispel this delusion, by acts of kindness and conciliation, so far as such acts do not imply a surrender of our principles. If the proposed conference should be promptly rejected by the Tariff Convention, it will strengthen our cause, by contrasting the moderation of our proceedings with the unbending pertinacity of our opponents. But should it be accepted, and a system for the reduction of the present Tariff, satisfactory to the reasonable expectations of all parties, agreed on, I speak with confidence when I say, that it would smooth the way to a happy adjustment of this unpleasant controversy. I am unable to perceive any mischief which may grow out of the adoption of the resolution; and it might be productive of benefit, in bringing our Memorial before the next Congress, with renewed claims to the serious consideration of that body. We have been instructed by past experience, how hopeless it is to attempt, by protests and remonstrances, to force our views down the current of popular opinion. We know that our complaints have heretofore made no impression on any department of the National Government, and, with a knowledge of these undeniable facts, I would give to this last effort for redress, the character of inflexible firmness, tempered by a spirit of conciliation; and, if these will not induce a combined majority of Congress to pause, and retrace their measures of oppression and injustice, we cannot hope to succeed by means less calculated to calm the passions, and reconcile conflicting interests. Mr. P. concluded, by expressing a hope that his mo-

lives, in the hasty remarks which he had submitted, would be properly appreciated, and with the assurance that he would cheerfully yield his own wishes to the better judgment of the Convention.

Chancellor HARPER, of South Carolina, could see no possible good that would result from the appointment of such a Committee. The two Conventions differ in principle. They believe protection to manufactures to be constitutional. We believe it to be unconstitutional. They believe it to be right, we believe it to be wrong, to favor particular branches of industry. It can hardly be expected that they will give up their principles, and we shall certainly not give up ours. There is no room for a compromise—no ground on which we can meet one another half way.

A motion for a recess, prevented the question from being taken on Mr. POINDEXTER's resolution.

In the afternoon session, the names of the gentlemen composing the Permanent Committee were announced, as is recorded on page 27 of the Journal: and it was *Resolved*, That the Committee should have power to fill any vacancies that might occur in their own body.

Inquiry was made, if the Committee which had been appointed to confer with the Philadelphia Delegation, was ready to report.

Col. BASSETT, from the Committee, stated that it was the particular wish of the Philadelphia Delegation to be allowed to defray the expenses properly incident to the meeting of the Convention, and the expenses of printing. The best way, he added, for the other Delegations to express their sense of this kindness, would be to take measures for having the account of the proceedings of the Convention, reprinted and distributed in their respective States.

Resolutions offering thanks to the Philadelphia Delegation, and requesting the members of the different Delegations to take measures for distributing an account of the proceedings of the Convention, in their respective States, were then proposed by Col. BASSETT, and unanimously adopted.

Mr. POINDEXTER's resolution for the appointment of a Committee to confer with the Tariff Convention, about to assemble in New York, was called up for consideration.

A motion was made to postpone the question indefinitely.

Mr. POINDEXTER called for the Ayes and Noes.

Several gentlemen who were opposed to the resolution, objected to this disposition of it, as not showing sufficient respect to the mover.

General PARSONS, of Alabama, said they had proceeded thus far in perfect good humour, and he would be grieved if any thing should now occur to interrupt this harmony. He was opposed to the resolution, but he would not vote for its indefinite postponement. Other members expressed like feelings.

One hundred and twenty-two voted for the indefinite postponement, and 34 against it.

The names of those who voted for or against the postponement, will be found on pages 27, 28, and 29, of the Journal.

Resolutions of thanks to the President, the Secretary, and the citizens of Philadelphia, were unanimously adopted.

The PRESIDENT then delivered an Address to the following effect;

Gentlemen of the Convention: The expression of my sincere and cordial thanks, is the only return which I have to offer you, for the approbatory resolution which you have just passed.

Not to feel gratified at such a manifestation of good opinion from such a body, would, on my part, betray an utter want of sensibility and of gratitude—not to acknowledge it, would be an equal want of candor.

Gentlemen, you will pardon me for detaining you a moment, in giving vent to feelings of another character, in which I am sure every member present participates.

We came hither, under extraordinary circumstances. We came in obedience to the wishes of the great community which we represent, to consult together, with a view to devise a constitutional and peaceable remedy, for the grievance of which they complained—that is to say, a wrongful and oppressive system of taxation. We came amidst the hopes and fears of our constituents. They indulged, indeed, the hope of success; yet it was a hope clouded with the apprehension of failure, from that contrariety of views, and varying shades of opinion, which so often prevail in numerous assemblies of men.

I congratulate you, gentlemen—I congratulate our constituents, and our common

country—nay, I congratulate the great principle of Free Trade, of which we are the advocates, that the result of our deliberations has more than realized all their fondest hopes, and more than disappointed all their fearful apprehensions.

It has done more—It has given to the wind, the ill-omened auguries of those who exultingly predicted, a plentiful harvest of distraction in our councils, and the scattering of fire brands, which would kindle the flame of civil war amongst our people. Thank God! This was not our purpose. This is not what we have done—we came here, with peace on our lips, and in our hearts—we have spoken the language of peace and friendly expostulation. We have appealed to our countrymen, and in the name of justice, have called upon them, for a redress of our grievances.

And will this appeal be in vain? I hope, I trust, I believe, it will not.

I persuade myself, that our countrymen will listen with respectful attention to the complaints of their brethren; I persuade myself, that Congress, too, *their* and *our* representatives and servants, will not turn a deaf ear to a remonstrance, coming from a quarter, and supported by a voice to which even the proudest monarch, on a European throne, would feel it to be his duty to vouchsafe an attentive hearing.

Should such be the happy fruits of our deliberations, we may felicitate ourselves upon having been members of this body—we may well rejoice, that it will afford a new and gratifying proof of the value of our Government.

The experience of the late war had furnished illustrious evidence of its ability to carry us gloriously and triumphantly through a perilous struggle with the most powerful nation of the earth. This would show its happy aptitudes for a time of peace. It would show that public opinion, enlightened by information, and guided by justice, will stamp its impress upon the legislative councils of the country. That its every form and pressure will be exhibited in the acts of that Legislature, dispensing equal rights to each portion of the community, and causing every wave of discontent, which disturbs the repose of the society, to subside and settle down, into the profound calm of perfect contentment.

That such may be the auspicious results of our deliberations, I invoke the patriotism of our fellow-citizens, I invoke the justice of our common country, I invoke the genius of the Constitution, and that spirit of harmony which called it into being.

The address was received with loud plaudits, and the Convention declared to be adjourned *sine die*.

P.S.—After the Journal of the Convention was sent to the Printer, the following Letter was received by the Secretary, and published in the "Bauuer of the Constitution."

Mr. FOSTER, one of the gentlemen whose names are subscribed to the letter, took his seat in the Convention, but was confined by indisposition when the votes were taken.

CONDY RAGUET, Esq.,

Secretary of the Free Trade Convention, Philadelphia.

Boston, October 17th, 1831.

Dear Sir: The undersigned, members of the Delegation chosen from this city to represent the friends of Free Trade in that body, being deprived, by unavoidable circumstances, of the opportunity of approving, by their votes, of the proceedings of that assembly, hereby authorize and request you to add their names to the number of those who signed and approved thereof.

We are, respectfully, your obedient servants,

S. A. WELLS.
WILLIAM B. SWETT.
WILLIAM FOSTER.
RICHARD D. TUCKER.
SAMUEL D. BRADFORD.
ABIEL CHANDLER.
GEORGE BRINLEY.

